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Federal Register

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

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

OFFICE OF PERSONNEL
MANAGEMENT

5 CFR Part 532

[Docket ID: OPM–2023–0028]

RIN 3206–AO64

Prevailing Rate Systems; North
American Industry Classification
System Based Federal Wage System
Wage Surveys; Correction

AGENCY: Office of Personnel
Management.

ACTION: Final rule; correction.

SUMMARY: This document corrects the amendatory instructions in a final rule that was published in the **Federal Register** on January 24, 2024, regarding updates to the North American Industry Classification System Based Federal Wage System Wage Surveys.

DATES: Effective February 23, 2024.

FOR FURTHER INFORMATION CONTACT: Ana Paunoiu, by telephone at (202) 606–2858, or by email at paypolicy@opm.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 24, 2024, in FR Doc. 2024–01086, beginning on page 4539, the following corrections are made:

§ 532.287 [corrected]

■ 1. On page 4541, in the first column, in amendatory instruction 7 for § 532.287:

■ a. In instruction a., the instruction “Removing the column heading “2017 NAICS codes” and adding in its place “2022 NAICS codes”” is corrected to read “Removing the “2012 NAICS Codes” and adding in its place “2022 NAICS codes””.

■ b. In instruction b., the instruction “Removing the column heading “2017 NAICS industry titles” and adding in its place “2022 NAICS industry titles”” is corrected to read “Removing the column heading “2012 NAICS Industry titles”

and adding in its place “2022 NAICS industry titles””.

Dated: February 1, 2024.

Kayyonne Marston,
Federal Register Liaison.

[FR Doc. 2024–02319 Filed 2–5–24; 8:45 am]

BILLING CODE 6325–39–P

NUCLEAR REGULATORY
COMMISSION

10 CFR Parts 50 and 52

[NRC–2022–2015]

Interim Staff Guidance: Material
Compatibility for Non-Light Water
Reactors

AGENCY: Nuclear Regulatory
Commission.

ACTION: Final guidance; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Interim Staff Guidance (ISG) DANU–ISG–2023–01 “Material Compatibility for non-Light Water Reactors.” The purpose of this ISG is to assist the NRC staff in reviewing certain applications for construction and operation of non-light water reactor designs, including power and non-power reactors.

DATES: This guidance is effective on February 6, 2024.

ADDRESSES: Please refer to Docket ID NRC–2022–2015 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–2022–2015. 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 individuals listed in the “For Further Information Contact” section of this document.

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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 ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

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FOR FURTHER INFORMATION CONTACT: Meg Audrain, telephone: 301–415–2133; email: Margaret.Audrain@nrc.gov and Rebecca Ober, telephone: 301–287–9299; email: Rebecca.Ober@nrc.gov. Both are staff of the Office of Nuclear Reactor Regulation at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

As part of its review of non-light-water reactor applications, the NRC determines whether materials proposed to be used will allow components to fulfill design requirements for the design life, or that adequate surveillance and monitoring programs are in place. The NRC regulations in part 50 and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) include requirements for material qualification and performance monitoring. The NRC endorsed American Society of Mechanical Engineers (ASME) Code Section III, Division 5, “High Temperature Reactors” (Section III–5), with conditions, in Revision 2 of Regulatory Guide 1.87, “Acceptability of ASME Code, Section III, Division 5, ‘High Temperature Reactors,’ ” (ADAMS Accession No. ML22101A263).

II. Discussion

The purpose of this ISG, “Material Compatibility for Non-Light Water Reactors, DANU–ISG–2023–01” (ADAMS Accession No. ML23188A178), is to aid the NRC staff reviewing non-light-water reactor applications for a construction permit or operating license under 10 CFR part 50 or for a design certification, combined license,

standard design approval, or manufacturing license under 10 CFR part 52 that propose to use materials allowed under Section III-5. Section III-5 specifies the mechanical properties and allowable stresses to be used for design of components in high temperature reactors. Because Section III-5 states that it does not provide methods to evaluate deterioration that may occur in service as a result of corrosion, mass transfer phenomena, radiation effects, or other material instabilities, this ISG identifies information that the NRC staff should consider as part of its review of a non-light-water reactor application to review applicable design requirements, including qualification and monitoring programs for safety-significant structures, systems, and components.

III. Additional Information

Draft DANU-ISG-2023-01 "Material Compatibility for Non-Light Water Reactors" was published in the **Federal Register** for public comment on March 7, 2023, (88 FR 14186) with a 60-day comment period. The NRC received fifteen public comments from private citizens and industry organizations. The NRC staff's evaluation and resolution of the public comments are documented in Appendix A to the ISG in ADAMS under Accession No. ML23188A178.

IV. Congressional Review Act

DANU-ISG-2023-01 "Material Compatibility for Non-Light Water Reactors" is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated: January 31, 2024.

For the Nuclear Regulatory Commission.

Steven T. Lynch,

*Chief, Advanced Reactor Policy Branch,
Division of Advanced Reactors and Non-
Power Production and Utilization Facilities,
Office of Nuclear Reactor Regulation.*

[FR Doc. 2024-02286 Filed 2-5-24; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-0037; Project Identifier MCAI-2024-00027-R; Amendment 39-22664; AD 2024-01-52]

RIN 2120-AA64

Airworthiness Directives; Hélicoptères Guimbal Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2023-24-51 which applied to all Hélicoptères Guimbal Model Cabri G2 helicopters. AD 2023-24-51 was prompted by reports of a crack in the pilot cyclic stick base and required repetitively inspecting certain part-numbered pilot and co-pilot cyclic stick bases and, depending on the results, corrective action. AD 2023-24-51 also prohibited installing those pilot and co-pilot cyclic stick bases unless certain requirements were met. Since the FAA issued AD 2023-24-51, more cracks in the cyclic stick bases have been reported, including a crack in a cyclic stick base that had accumulated only 700 hours time-in-service (TIS). This AD requires the same actions as AD 2023-24-51 but reduces the compliance time for performing the initial inspection. These actions are specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA previously sent this AD as an emergency AD to all known U.S. owners and operators of these helicopters. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 21, 2024. Emergency AD 2024-01-52, issued on January 9, 2024, which contained the requirements of this amendment, was effective with actual notice.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 21, 2024.

The FAA must receive comments on this AD by March 22, 2024.

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

- **Federal eRulemaking Portal:** Go to [regulations.gov](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-2024-0037; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- For Guimbal service information identified in this final rule, contact Hélicoptères Guimbal, 1070, rue du Lieutenant Parayre, Aéroport d'Aix-en-Provence, 13290 Les Milles, France; phone 33-04-42-39-10-88; email support@guimbal.com; or at guimbal.com.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-0037.

FOR FURTHER INFORMATION CONTACT:

Matthew Bryant, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (303) 342-1092; email matthew.bryant@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include the Docket No. FAA-2024-0037; Project Identifier MCAI-2024-00027-R at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Matthew Bryant, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (303) 342-1092; email matthew.bryant@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

On November 21, 2023, the FAA issued Emergency AD 2023-24-51 to address an unsafe condition on all Hélicoptères Guimbal Model Cabri G2 helicopters. Emergency AD 2023-24-51 published in the **Federal Register** as a Final rule; request for comments on December 13, 2023 (Amendment 39-22627, 88 FR 86260) (AD 2023-24-51). AD 2023-24-51 was issued after EASA, which is the Technical Agent for the Member States of the European Union, issued EASA Emergency AD 2023-0204-E, dated November 20, 2023 (EASA AD 2023-0204-E) and was prompted by reports of a crack in the pilot cyclic stick base. EASA AD 2023-0204-E stated that investigation determined that the root cause of the cracks was fatigue, primarily related to induced loads on the cyclic stick during pre-flight (free play) checks. Accordingly, EASA AD 2023-0204-E required repetitively inspecting certain part-numbered pilot and co-pilot cyclic stick bases and, depending on the

results, corrective action. EASA AD 2023-0204-E also prohibited installing those pilot and co-pilot cyclic stick bases unless its requirements were met.

AD 2023-24-51 required repetitively inspecting certain part-numbered pilot and co-pilot cyclic stick bases for a crack and, depending on the results, removing the cracked cyclic stick base from service and replacing it with a serviceable cyclic stick base in accordance with a method approved by the FAA, EASA, or Hélicoptères Guimbal EASA Design Organization Approval (DOA). AD 2023-24-51 also prohibited installing an affected pilot or co-pilot cyclic stick base unless it was new (zero total hours TIS) or it passed its required inspection. The FAA issued AD 2023-24-51 to detect a cracked pilot or co-pilot cyclic stick base. The unsafe condition, if not addressed, could result in failure of the pilot or co-pilot cyclic stick base and subsequent loss of control of the helicopter.

Actions Since AD 2023-24-51 Was Issued

Since the FAA issued AD 2023-24-51, more cracks in the cyclic stick base have been reported, including a crack in a cyclic stick base that had accumulated only 700 hours TIS; therefore, EASA issued EASA Emergency AD 2024-0007-E, dated January 8, 2024 (EASA AD 2024-0007-E), to supersede EASA AD 2023-0204-E. EASA AD 2024-0007-E states that a revision of the service bulletin related to the unsafe condition lowers the threshold for the initial inspection of the pilot and co-pilot cyclic stick bases. Accordingly, EASA AD 2024-0007-E continues to require repetitively inspecting certain part-numbered pilot and co-pilot cyclic stick bases and, depending on the results, corrective action, but requires the initial inspection at a lower threshold. EASA AD 2024-0007-E also prohibits installing those pilot and co-pilot cyclic stick bases unless its requirements are met. You may examine EASA AD 2024-0007-E in the AD docket at *regulations.gov* under Docket No. FAA-2024-0037.

Subsequently, on January 9, 2024, the FAA issued Emergency AD 2024-01-52 (Emergency AD 2024-01-52) and sent it to all known U.S. owners and operators of these helicopters. Emergency AD 2024-01-52 supersedes AD 2023-24-51 and continues to require inspecting certain part-numbered pilot and co-pilot cyclic stick bases and, depending on the results, corrective action, but reduces the threshold for the initial inspection from 1,500 hours TIS accumulated on the affected part to 205 hours TIS. Emergency AD 2024-01-52 also

continues to prohibit installing those pilot and co-pilot cyclic stick bases unless certain requirements are met.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2024-0007-E, which requires repetitively inspecting pilot cyclic stick base part number (P/N) G41-42-801 and co-pilot cyclic stick base P/Ns G41-43-801 and G41-43-802 for a crack. EASA AD 2024-0007-E reduces the initial inspection from 1,500 FH [flight hours] accumulated on the affected part to 205 FH [flight hours] and retains the 60-FH [flight hour] repetitive inspections. Depending on the inspection results, EASA AD 2024-0007-E requires contacting HG [Hélicoptères Guimbal] for approved instructions to replace a cracked cyclic stick base and accomplishing those instructions accordingly. EASA AD 2024-0007-E also allows removing the dual control (co-pilot cyclic stick) instead of replacing a cracked co-pilot cyclic stick base. Finally, EASA AD 2024-0007-E prohibits installing a specified pilot or co-pilot cyclic stick base unless it is a new (never installed before) part or, before installation, has passed its required inspection.

The FAA also reviewed Guimbal Mandatory Service Bulletin SB 23-006, Revision D, dated January 5, 2024 (SB 23-006D), which specifies performing an initial 205-hour TIS inspection (reduced from a prior initial inspection of 1,500 hours TIS) followed by repetitive inspections of both the pilot and copilot cyclic bases for cracks. SB 23-006D specifies doing the inspection using a flashlight and in case of doubt, performing a dye-penetrant inspection. If there is a crack on the pilot's side, SB 23-006D specifies grounding the helicopter and contacting HG [Hélicoptères Guimbal]; if there is a crack on the copilot's side, SB 23-006D specifies removing the dual controls and contacting HG.

This service information 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.

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2024–0007–E, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under “Differences Between this AD and the EASA Emergency 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, EASA AD 2024–0007–E is incorporated by reference in this FAA final rule. This AD, therefore, requires compliance with EASA AD 2024–0007–E in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0007–E does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2024–0007–E. Service information referenced in EASA AD 2024–0007–E for compliance will be available at *regulations.gov* under Docket No. FAA–2024–0037 after this final rule is published.

Differences Between This AD and the EASA Emergency AD

The service information referenced in EASA AD 2024–0007–E specifies performing a dye-penetrant inspection in case of a doubt regarding if there is a crack, whereas this AD does not require that action. If there is cracked pilot or co-pilot cyclic stick base, EASA AD 2024–0007–E requires contacting HG [Hélicoptères Guimbal] for approved instructions to replace it with a serviceable part and accomplishing those instructions accordingly and the service information referenced in EASA AD 2024–0007–E specifies contacting

HG [Hélicoptères Guimbal] or removing the dual controls and contacting HG [Hélicoptères Guimbal], whereas this AD requires removing the cracked cyclic stick base from service and replacing it with a serviceable cyclic stick base in accordance with a method approved by the FAA, EASA, or Hélicoptères Guimbal EASA DOA. Where Table 1 in EASA AD 2024–0007–E states, “During next maintenance check without exceeding 205 FH,” this AD requires replacing that text with, “Within 205 hours time-in-service.”

Interim Action

The FAA considers this AD to be an interim action. If final action is later identified, the FAA might consider further rulemaking then.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that required the immediate adoption of Emergency AD 2024–01–52, issued on January 9, 2024, to all known U.S. owners and operators of these helicopters. The FAA found that the risk to the flying public justified waiving notice and comment prior to adoption of this rule because the affected component is part of an assembly that is critical to the control of a helicopter. As the FAA also has no information pertaining to the quantity of cracked components that may currently exist in the U.S. fleet or how quickly the condition may propagate to failure, the actions required by this AD must be accomplished before further flight for certain helicopters. These conditions still exist, therefore, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 50 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Inspecting a pilot or co-pilot cyclic stick base takes a minimal amount of time for a nominal cost. If required, replacing a pilot cyclic stick base takes about 3 work-hours and parts cost about \$1,585 for an estimated cost of \$1,840 per helicopter; and replacing a co-pilot cyclic stick base takes about 1 work-hour and parts cost about \$711 for an estimated cost of \$796 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

- a. Removing Airworthiness Directive 2023–24–51, Amendment 39–22627 (88 FR 86260, December 13, 2023); and
- b. Adding the following new airworthiness directive:

2024–01–52 Hélicoptères Guimbal:
Amendment 39–22664; Docket No. FAA–2024–0037; Project Identifier MCAI–2024–00027–R.

(a) Effective Date

The FAA issued Emergency Airworthiness Directive (AD) 2024–01–52 on January 9, 2024, directly to affected owners and operators. As a result of such actual notice, that emergency AD was effective for those owners and operators on the date it was provided. This AD contains the same requirements as that emergency AD and, for those who did not receive actual notice, is effective on February 21, 2024.

(b) Affected ADs

This AD replaces AD 2023–24–51, Amendment 39–22627 (88 FR 86260, December 13, 2023).

(c) Applicability

This AD applies to Hélicoptères Guimbal Model Cabri G2 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code: 6710, Main Rotor Control.

(e) Unsafe Condition

This AD was prompted by reports of a crack in the pilot cyclic stick base. The FAA is issuing this AD to detect a cracked pilot or co-pilot cyclic stick base. The unsafe condition, if not addressed, could result in failure of the pilot or co-pilot cyclic stick base and subsequent loss of control of the helicopter.

(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, European Union Aviation Safety Agency (EASA) Emergency AD 2024–0007–E, dated January 8, 2024 (EASA AD 2024–0007–E).

(h) Exceptions to EASA AD 2024–0007–E

(1) Where EASA AD 2024–0007–E defines “the SB,” this AD requires using Guimbal Mandatory Service Bulletin SB 23–006, Revision D, dated January 5, 2024.

(2) Where EASA AD 2024–0007–E refers to its effective date, this AD requires using the effective date of this AD.

(3) Where EASA AD 2024–0007–E requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(4) Where Table 1 in EASA AD 2024–0007–E states, “During next maintenance check without exceeding 205 FH,” for this AD, replace that text with, “Within 205 hours time-in-service.”

(5) Where Note (1) of EASA AD 2024–0007–E states, “For the initial inspection, a single ferry flight without passengers is allowed to a maintenance location, where the actions required by this AD can be accomplished,” for this AD, replace that text with, “For the initial inspection, a single special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 to a maintenance location where the actions required by this AD can be accomplished, provided there are no passengers onboard.”

(6) Where the service information referenced in EASA AD 2024–0007–E states performing a dye-penetrant inspection, this AD does not require that action.

(7) Instead of complying with paragraphs (2) and (3) of EASA AD 2024–0007–E and paragraph (d) of the service information referenced in EASA AD 2024–0007–E, for this AD, comply with the following: “As a result of an inspection required by paragraph (1) of EASA AD 2024–0007–E, if there is a crack, before further flight, remove the affected part, as defined in EASA AD 2024–0007–E, from service and replace it with a serviceable part, as defined in EASA AD 2024–0007–E, in accordance with a method approved by the Manager, International Validation Branch, FAA; or EASA; or Hélicoptères Guimbal EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.”

(8) This AD does not adopt the “Remarks” section of EASA AD 2024–0007–E.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD or email it to: 9-AVS-AIR-730-AMOC@faa.gov. If

mailing information, also submit information by email.

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

(j) Additional Information

For more information about this AD, contact Matthew Bryant, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; email matthew.bryant@faa.gov.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2024–0007–E, dated January 8, 2024.

(ii) Guimbal Mandatory Service Bulletin SB 23–006, Revision D, dated January 5, 2024.

(3) For EASA Emergency AD 2024–0007–E, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet easa.europa.eu. You may find the EASA material on the EASA website at ad.easa.europa.eu.

(4) For Guimbal service information identified in this AD, contact Hélicoptères Guimbal, 1070, rue du Lieutenant Parayre, Aéroport d'Aix-en-Provence, 13290 Les Milles, France; phone 33–04–42–39–10–88; email support@guimbal.com; or at guimbal.com.

(5) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(6) 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 February 1, 2024.

Victor Wicklund,

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

[FR Doc. 2024–02460 Filed 2–2–24; 4:15 pm]

BILLING CODE 4910–13–P

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

[Docket No. FAA–2023–1587; Airspace
Docket No. 23–ASO–29]

RIN 2120–AA66

**Amendment of Class D and Class E
Airspace, and Removal of Class E
Airspace; Jupiter, FL**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D and Class E airspace extending upward from 700 feet above the surface for William P. Gwinn Airport, Jupiter, FL. This action increases the radius of the Class D airspace and amends verbiage in the Class D description. This action also updates the geographic coordinates for the Class E airspace extending upward from 700 feet above the surface. It revokes Class E airspace designated as an extension to a Class D surface area.

DATES: Effective 0901 UTC, May 16, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11H Airspace Designations and Reporting Points and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the

authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it amends Class D and Class E airspace and removes the Class E airspace designated as an extension to a Class D surface area in Jupiter, FL. An airspace evaluation determined that this update is necessary to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2023–1587 in the **Federal Register** (88 FR 48396; July 27, 2023), amending Class D and Class E airspaces extending upward from 700 feet above the surface for William P. Gwinn Airport, Jupiter, FL. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class D and Class E airspace designations are published in Paragraphs 5000, 6004, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 annually. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next FAA Order JO 7400.11 update.

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

The Rule

This action amends 14 CFR part 71 by amending Class D airspace and Class E airspace extending upward from 700 feet above the surface for William P. Gwinn Airport, Jupiter, FL, by increasing the Class D radius to 4.5 miles (previously 4.1 miles) and updating the geographic coordinates of the Class E airspace extending upward from 700 feet above the surface to coincide with the FAA's database. This action removes the city name from the second line of the Class E airspace

description. This action also replaces Notice to Airmen with Notice to Air Missions and Airport/Facility Directory with Chart Supplement in the Class D description. Finally, this action removes the Class E airspace designated as an extension to a Class D surface area, due to all approaches utilizing the United NDB and Pahoake VORTAC have been canceled, and the extensions are no longer required. Controlled airspace is necessary for the area's safety and management of instrument flight rules (IFR) operations.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Jupiter, FL [Amended]

William P. Gwinn Airport, FL
(Lat. 26°54'29" N, long. 80°19'42" W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.5-mile radius of William P. Gwinn Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6004 Class E Airspace Designated as an Extension to Class D or E Surface Area.

* * * * *

ASO FL E4 Jupiter, FL [Removed]

* * * * *

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

* * * * *

ASO FL E5 Jupiter, FL [Amended]

William P. Gwinn Airport, FL
(Lat. 26°54'29" N, long. 80°19'42" W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of William P. Gwinn Airport.

* * * * *

Issued in College Park, Georgia, on January 23, 2024.

Andreese C. Davis,

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

[FR Doc. 2024–01649 Filed 2–5–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 870

[Docket ID: OSM 2023–0010; S1D1S SS08011000 SX064A000 24S180110; S2D2S SS08011000 SX064A000 24XS501520]

RIN 1029–AC25

Acceptable Payment Methods

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Direct final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) is issuing this direct final rule to amend its regulations by reducing the threshold for electronic payment of quarterly Abandoned Mine Land (AML) reclamation fees from \$25,000 to \$500. On April 30, 2024, the U.S. Department of the Treasury (Treasury) will close OSMRE's lockbox, which is used to process non-electronic reclamation fee payments. After April 15, 2024, quarterly reclamation fees of \$500 or more must be paid by electronic transfer, while quarterly reclamation fees of less than \$500 may be paid by electronic transfer or by check or money order sent to OSMRE's Division of Financial Management. By reducing the threshold for electronic payments, OSMRE will receive more payments through electronic funds transfer, which will expedite and streamline its fee collection efforts.

DATES: This direct final rule is effective April 15, 2024, without further notice, unless OSMRE receives significant adverse comment by March 7, 2024. If OSMRE receives a significant adverse comment that leads it to conclude that the rule is controversial, OSMRE will publish a timely withdrawal in the **Federal Register**.

ADDRESSES: Send written comments identified by docket number OSM–2023–0010 or regulation identifier number (RIN) 1029–AC25 by the following method:

- **Federal e-Rulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments to docket number OSM–2023–0010.

- **U.S. Postal Service or other mail delivery service:** Address comments to Division of Regulatory Support, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Attn: James Tyree, 1849 C Street NW, Mail Stop 4557, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: James Tyree, Chief, Division of

Regulatory Support, (202) 208–4479, jtyree@osmre.gov.

SUPPLEMENTARY INFORMATION:

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- I. Background
- II. Direct Final Rulemaking
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I. Background

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C. 1231–1244) created the Abandoned Mine Reclamation Fund, which is funded in part by a reclamation fee (also known as the Abandoned Mine Land (AML) fee) assessed on each ton of coal produced in the United States, and that, among other things, provides funding to eligible States and Tribes for the reclamation of coal mining sites abandoned or left in an inadequate reclamation status as of August 3, 1977. Section 402(b) of SMCRA (30 U.S.C. 1232(b)) requires coal mine operators and/or permittees to pay reclamation fees no later than thirty days after the end of each calendar quarter.

OSMRE collects these fees from coal mine operators and/or permittees through electronic funds transfer and non-electronic payments. Currently, coal mine operators and/or permittees are required to send non-electronic fee payments to OSMRE's lockbox in Pittsburgh, Pennsylvania.

In April 2018, Treasury's Bureau of the Fiscal Service published a white paper titled, "The Future of Federal Financial Management," which outlined an initiative to transform Federal collections by, among other things, reducing revenue collection lockboxes and increasing digitization. Subsequently, OSMRE received notice from Treasury's General Lockbox Network (GLN) that it intended to close OSMRE's lockbox by September 30, 2023, as part of its effort to close all lockboxes functioning below a minimum item threshold of 1,000 items. (OSMRE's lockbox receives fewer than 400 items annually.) The GLN is a collection and processing service provided by certain financial institutions to help federal government agencies process paper checks and other remittance documents (not related to taxes) that are received through the mail. To allow time to amend its regulations, OSMRE requested a lockbox closure extension until April 30, 2024, which Treasury approved.

OSMRE is promulgating this direct final rule pursuant to section 413(a) of SMCRA (30 U.S.C. 1242(a)), which

authorizes the Secretary of the Interior to do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer the provisions of SMCRA relating to abandoned mine reclamation.

II. Direct Final Rulemaking

OSMRE is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA, 5 U.S.C. 551–559) generally requires agencies to engage in notice and comment rulemaking, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public interest.” *Id.* 553(b)(B). OSMRE has determined that notice and comment are unnecessary because this rule is noncontroversial; of a minor, technical nature; involves little agency discretion; and is unlikely to receive any significant adverse comments. A significant adverse comment is one that explains: (1) why the rule is inappropriate, including challenges to the rule’s underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. If such a comment is received, this direct final rule will be withdrawn. If no such comment is received, this direct final rule will become effective on April 15, 2024, without further OSMRE action. A comment recommending an addition to the rule will not be considered significant and adverse unless the comment explains how this direct final rule would be ineffective without the addition.

III. Discussion

OSMRE is amending 30 CFR 870.16 to: (1) reduce the threshold for electronic payment of quarterly AML fees; (2) update the instructions for remitting both electronic and non-electronic payment; and (3) remove paragraph (c).

OSMRE is amending 30 CFR 870.16(a) and (b) to reduce the threshold for electronic payment of quarterly AML fees from \$25,000 to \$500. By reducing the threshold, OSMRE will receive more payments through electronic funds transfer, which will expedite and streamline its fee collection efforts and align with Treasury’s initiative to transform Federal collections. However, coal mine operators and/or permittees who owe quarterly AML fees in an amount below the electronic payment threshold (\$500) may still pay those fees using non-electronic methods.

In addition, OSMRE is amending 30 CFR 870.16(a)(3) by updating the instructions for locating the Master

Entity Number on the OSM–1 form to read “Part 1-Block 3” instead of “Part 1-Block 4” and by revising “on the wire message” to read “with the electronic payment.”

OSMRE is also amending 30 CFR 870.16(b)(2) by removing the lockbox address and directing coal mine operators and/or permittees to send non-electronic payments to the address indicated in the “Instructions for Completing the OSM–1 Form.” Relying on the “Instructions for Completing the OSM–1 Form” to communicate the location where coal mine operators and/or permittees must send non-electronic reclamation fee payments will allow OSMRE to update the location for non-electronic payments in the future without requiring OSMRE to further amend its regulations.

Finally, OSMRE is amending 30 CFR 870.16 by removing paragraph (c), which explains that payment of reclamation fees over the electronic payment threshold by any means other than electronic funds transfer is a violation of SMCRA. As SMCRA clearly requires that coal mine operators and/or permittees pay reclamation fees and the Federal regulations clearly prescribe how those fee payments must be made, paragraph (c) is unnecessary.

Who is impacted by this rulemaking?

This direct final rule will impact coal mine operators and/or permittees who use non-electronic methods to pay the reclamation fees required under Title IV of SMCRA. However, ninety-eight percent (98%) of OSMRE’s total collections are already paid through electronic fund transfer mechanisms. This direct final rule will not affect those operators and/or permittees.

Why is the effective date of the rule April 15, 2024?

An effective date of April 15, 2024, will afford OSMRE the time necessary to deliver and process payments submitted to the lockbox before its closure on April 30, 2024.

What if I send a payment to the lockbox after April 15, 2024?

OSMRE will continue to process payments submitted to the lockbox between April 15 and April 30, 2024. However, if you submit a payment to the lockbox after April 30, 2024, it will be returned to you, and you will be required to submit payment to the address indicated in the “Instructions for Completing the OSM–1 Form” or through electronic funds transfer. If your reclamation fees are due and you fail to submit payment through either of the acceptable payment methods by the

due date, your payment will be considered late and may be subject to one or more of the actions specified in 30 CFR 870.21.

IV. Procedural Matters and Required Determinations

Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule does not result in a taking of private property or otherwise have regulatory takings implications under Executive Order 12630. The rule primarily concerns a new dollar threshold for electronic payment of quarterly AML fees; therefore, the rule will not result in private property being taken for public use without just compensation. A takings implication assessment is not required.

Executive Order 12866—Regulatory Planning and Review, Executive Order 13563—Improving Regulation and Regulatory Review and Executive Order 14094—Modernizing Regulatory Review

Executive Order 12866, as amended by Executive Order 14094, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866, as amended by Executive Order 14094, while calling for improvements in the Nation’s regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends. Executive Order 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that agencies must base regulations on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. OSMRE developed this rule in a manner consistent with these requirements.

Executive Order 12988—Civil Justice Reform

This direct final rule complies with the requirements of Executive Order 12988. Among other things, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and

ambiguity and be written to minimize litigation;

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Executive Order 13132—Federalism

Under the criteria of section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule 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. A federalism summary impact statement is not required.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. OSMRE evaluated this direct final rule under Executive Order 13175 and the Department's and OSMRE's consultation policies and determined that it has no substantial direct effects on Federally recognized Indian tribes and that consultation under the Department's or OSMRE's Tribal consultation policies is not required. The rule merely revises OSMRE's regulations to be consistent with Treasury's Federal collections initiative and to remove unnecessary regulatory language.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This direct final rule is not a significant energy action as defined in Executive Order 13211. Therefore, a Statement of Energy Effects is not required.

National Environmental Policy Act

This direct final rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) is not required because this rule is covered by a categorical exclusion applicable to regulatory functions “that are of an

administrative, financial, legal, technical, or procedural nature.” 43 CFR 46.210(i). In addition, OSMRE has determined that this rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

Paperwork Reduction Act

This rule does not impose any new information collection burden under the Paperwork Reduction Act. OMB previously approved the information collection activities contained in the existing regulations and assigned OMB control number 1029–0063. This rule does not impose an information collection burden because OSMRE is not making any changes to the information collection requirements. During routine renewal of the information collection and before April 15, 2024, OSMRE will update the “Instructions for Completing the OSM–1 Form” to reflect (1) the new electronic payment threshold, and (2) the new mailing address for non-electronic payments. Additionally, as part of the renewal, OSMRE will update the “OSM–1 Form” and “Amended OSM–1 Form” to reflect the new mailing address for non-electronic payments.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601–612) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). As OSMRE is not required to publish a notice of proposed rulemaking for this direct final rule, the RFA does not apply.

Congressional Review Act

This rule is not a major rule under the Congressional Review Act, 5 U.S.C. 804(2). Specifically, the direct final rule: (a) will not have an annual effect on the economy of \$100 million or more; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions; and (c) will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal Governments, or the private sector, of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal Governments, or the private sector. The rule merely revises OSMRE's regulations to reduce the threshold for electronic fee payment and to remove unnecessary regulatory language. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 870

Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting.

Delegation of Signing Authority

The action taken herein is pursuant to an existing delegation of authority.

Steven H. Feldgus,

Principal Deputy Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Department of the Interior, acting through OSMRE, amends 30 CFR part 870 as follows:

PART 870 ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING

■ 1. The authority citation for part 870 continues to read as follows:

Authority: 28 U.S.C. 1746, 30 U.S.C. 1201 *et seq.*, and Pub. L. 105–277, 112 Stat. 2681.

■ 2. Amend § 870.16 by revising paragraphs (a) and (b) and removing paragraph (c) to read as follows:

§ 870.16 Acceptable payment methods.

(a) If you owe total quarterly reclamation fees of \$500 or more for one or more mines, you must:

(1) Use an electronic fund transfer mechanism approved by the U.S. Department of the Treasury;

(2) Forward payments by electronic transfer;

(3) Include the applicable Master Entity No.(s) (Part 1-Block 3 on the OSM–1 Form), and OSM Document No.(s) (Part 1-upper right corner of the OSM–1 Form) with the electronic payment; and

(4) Use our approved form or approved electronic form to report coal tonnage sold, used, or for which ownership was transferred to the address indicated in the Instructions for Completing the OSM–1 Form.

(b) If you owe less than \$500 in quarterly reclamation fees for one or more mines, you may:

(1) Forward payments by electronic transfer in accordance with the procedures specified in paragraph (a) of this section; or

(2) Submit a check or money order payable to the Office of Surface Mining Reclamation and Enforcement in the same envelope with the OSM-1 Form to the address indicated in the Instructions for Completing the OSM-1 Form.

[FR Doc. 2024-01971 Filed 2-5-24; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2022-0222]

Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Coast Guard is modifying a temporary deviation from the operating schedule that governs the Florida East Coast (FEC) Railroad Bridge, across the Okeechobee Waterway (OWW), mile 7.41, at Stuart, Florida. This modification tests an alternate temporary deviation to determine if the updated mobile application and simplified drawbridge opening requirements are reliable and predictable and will meet the reasonable needs of navigation and competing modes of transportation given the increase in railway activity. The Coast Guard is seeking comments from the public regarding this deviation.

DATES: This deviation is effective from 12:01 a.m. on February 12, 2024, through 11:59 p.m. on August 9, 2024.

Comments and related material must reach the Coast Guard on or before May 6, 2024.

ADDRESSES: You may submit comments identified by docket number USCG-2022-0222 using Federal Decision Making Portal at <https://www.regulations.gov>.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary

deviation, call or email Ms. Jennifer Zercher, Bridge Management Specialist, Seventh Coast Guard District; telephone 571-607-5951, email Jennifer.N.Zercher@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Background, Purpose and Legal Basis

The Florida East Coast (FEC) Railroad Bridge across the Okeechobee Waterway (OWW), mile 7.41, at Stuart, Florida, is a single-leaf bascule bridge with a six-foot vertical clearance at mean high water in the closed position. The normal operating schedule for the bridge is found in 33 CFR 117.317(c).

On August 11, 2023, the Coast Guard published a temporary deviation entitled "Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL" in the *Federal Register* (88 FR 54487). That temporary deviation, effective from 12:01 a.m. on August 15, 2023, through 11:59 p.m. on December 17, 2023, allowed the drawbridge to operate on a more predictable schedule due to the significant increase in railway activity.

On November 7, 2023, the Coast Guard published a notice reopening the comment period until November 30, 2023, because service was delayed on the passenger train (88 FR 76666).

On December 7, 2023, the Coast Guard published a temporary deviation modification which extended the temporary deviation through 12:59 p.m. on February 11, 2024. This action was necessary to allow the Coast Guard sufficient time to review public comments, while providing continuity in the operation of the drawbridge to determine if the temporary deviation will meet the reasonable needs of competing modes of transportation or if an alternate temporary deviation may be needed (88 FR 85111).

The Coast Guard has determined an alternate temporary deviation should be considered based on comments and feedback from marine industries and the bridge owner. Of the 216 comments received, 185 were unrelated to the temporary deviation and were not taken into consideration when developing this alternate temporary deviation. There were 16 comments received that stated the temporary deviation does not provide sufficient time for marine traffic, but no extenuating information was given to support that comment. The remaining comments stated the mobile application was not reliable as it was not accurately displaying the status of the drawbridge. Mariners were unable to plan for transits as the mobile application would show the drawbridge open to navigation, but the bridge was closed to navigation for the passage of

rail traffic when mariners arrived at the bridge. It was discovered the mobile application was not updated with the full train schedule for both freight and passenger rail service. We are testing this alternate temporary deviation to determine if the updated mobile application and simplified drawbridge opening requirements are reliable and predictable and will meet the reasonable need of navigation.

Under this temporary deviation modification from 12:01 a.m. on February 12, 2024, through 11:59 p.m. on August 9, 2024, the FEC Railroad Bridge will be maintained in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic, to conduct inspections, and to perform maintenance and repairs authorized by the Coast Guard. However, the bridge will not be closed for more than 50 consecutive minutes in any given hour during daytime operations (6 a.m. to 8 p.m.) and for more than 7 total hours during daytime operations (6 a.m. to 8 p.m.).

Notwithstanding the above paragraph, the drawbridge will open and remain open to navigation for a fixed 10-minute period at the top of each hour from 6 a.m. to 8 p.m.

From 8:01 p.m. until 5:59 a.m. daily, the drawbridge will remain in the fully open-to-navigation position, except during periods when it is closed for the passage of train traffic, to conduct inspections, and to perform maintenance and repairs authorized by the Coast Guard. The drawbridge will not be closed more than 60 consecutive minutes.

If a train is in the track circuit at the start of a fixed opening period, the opening may be delayed up to, but not more than, five minutes. Once the train has cleared the circuit, the bridge must open immediately for navigation to begin the fixed opening period.

The drawbridge will be tended from 6 a.m. to 8 p.m., daily. The bridge tender will monitor VHF-FM channels 9 and 16 and will provide estimated times of drawbridge openings and closures, or any operational information requested. Operational information will be provided 24 hours a day by telephone at (772) 403-1005.

The drawbridge owner will maintain a mobile application. The drawbridge owner will publish drawbridge opening times, and the drawbridge owner will provide timely updates to schedules, including but not limited to, impacts due to emergency circumstances, inspections, maintenance, and repairs authorized by the Coast Guard.

Signs will be posted and visible to marine traffic, displaying VHF radio contact information, application information, and the telephone number for the bridge tender.

During the temporary deviation, a copy of the drawbridge logbook for the previous week will be provided to the Seventh Coast Guard District Bridge Manager by 4 p.m. each Monday.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedules immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulation is authorized pursuant to 33 CFR 117.35.

II. Public Participation and Request for Comments

We view public participation as essential to determining the needs of the public and will consider all comments and material received during the comment period. Your comment can help shape the outcome of future actions. If you submit a comment, please include the docket number for this test deviation, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2022–0222 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

View material in the docket. To view documents mentioned in this deviation as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted, or a final rule is published of any posting or updates to the docket.

We review all comments received, but we will only post comments that address the topic of this deviation. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

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

Dated: January 31, 2024.

Randall D. Overton,
Director, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 2024–02389 Filed 2–5–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 16

[EPA–HQ–OMS–2023–0020; FRL–10620–04–OMS]

Privacy Act Regulations for EPA; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The EPA is correcting a final rule published in the **Federal Register** on November 8, 2023, that revised and updated EPA’s Privacy Act regulations to exempt the Office of Inspector General (OIG) Data Analytics Enterprise system of records from certain provisions of the Privacy Act.

DATES: This correction is effective February 6, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OMS–2023–0020. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Daniel Porter, Director, Data Analytics Directorate, Office of Inspector General, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20004; telephone number: 202–309–6449; email address: oig.data_analytics@epa.gov.

SUPPLEMENTARY INFORMATION: The EPA is correcting a final rule that was

published in the **Federal Register** on November 8, 2023, that will be effective on February 6, 2024 (88 FR 76999). The final rule revised and updated EPA’s Privacy Act regulations to exempt the OIG Data Analytics Enterprise system of records from certain provisions of the Privacy Act. The final rule did not properly incorporate revisions to EPA’s Privacy Act regulations promulgated in a separate rulemaking on November 17, 2023, that became effective on January 16, 2024 (88 FR 80139). This action makes technical corrections and does not change any substantive action taken by the EPA in the November 8, 2023, final rule.

Under the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B) and (d), notice and comment for this action is unnecessary because it merely makes ministerial corrections to the November 8 final rule and does not impose any burdens on the regulated community.

Do any of the statutory and Executive order review apply to this action?

For a detailed discussion concerning the statutory and Executive order review refer to Unit III. of the November 8, 2023, final rule.

Congressional Review Act

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

Correction

■ In FR Doc. 2023–24233, beginning on page 76999 in the **Federal Register** of November 8, 2023, make the following corrections. On page 77003, beginning in the second column, amendatory instruction 3 for § 16.12 and the accompanying regulatory text are corrected to read as follows:

■ 3. Amend § 16.12 by:

■ a. Adding paragraph (a)(1)(viii);

■ b. Revising the first sentence of paragraph (a)(4)(i) and paragraphs (a)(4)(iii), (a)(5) introductory text, and (b)(1)(ii);

■ c. Adding paragraph (b)(1)(iii); and

■ d. Revising paragraphs (b)(4)(i) and (ii) and (b)(5) introductory text.

The additions and revisions read as follows:

§ 16.12 Specific exemptions.

(a) * * *

(1) * * *

(viii) EPA–100 OIG Data Analytics Enterprise.

* * * *

(4) * * *

(i) EPA systems of records 17, 30, 40, 63, 79, and 100 are exempted from the following provisions of the PA, subject to the limitations set forth in 5 U.S.C. 552a(k)(2): 5 U.S.C. 552a(c)(3); (d); (e)(1), (4)(G) and (4)(H); and (f)(2) through (5). * * *

* * * *

(iii) EPA–17 Online Criminal Enforcement Activities Network (OCEAN), EPA–40 Inspector General Enterprise Management System (IGEMS) Investigative Module, EPA–79 NEIC Master Tracking System, and EPA–100 OIG Data Analytics Enterprise are exempted under 5 U.S.C. 552a(j)(2), and these systems are exempted under 5 U.S.C. 552a(k)(2) only to the extent that the (j)(2) exemption is held to be invalid.

(5) *Reasons for exemption.* EPA systems of records 17, 21, 30, 40, 63, 79, 83, and 100 are exempted from the provisions of the PA in paragraph (a)(4) of this section for the following reasons:

* * * *

(b) * * *

(1) * * *

(ii) EPA 40 Inspector General Enterprise Management System (IGEMS) Investigative Module.

(iii) EPA 100 OIG Data Analytics Enterprise.

* * * *

(4) * * *

(i) EPA 36 and 100 are exempted from 5 U.S.C. 552a(c)(3) and (d). EPA 40 is exempted from the following provisions of the PA, subject to the limitations of 5 U.S.C. 552a(k)(5): 5 U.S.C. 552a(c)(3); (d); (e)(1), (4)(H); and (f)(2) through (5).

(ii) To the extent that records in EPA 40 and 100 reveal a violation or potential violation of law, then an exemption under 5 U.S.C. 552a(k)(2) is also claimed for these records. EPA 40 and 100 are also exempt under 5 U.S.C. 552a(j)(2).

* * * *

(5) *Reasons for exemption.* EPA 36, 40, 83, and 100 are exempted from the provisions of the PA in paragraph (b)(4) of this section for the following reasons:

* * * *

Kimberly Y. Patrick,

*Principal Deputy Assistant Administrator,
Office of Mission Support.*

[FR Doc. 2024–02131 Filed 2–5–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2023–0232; FRL–11600–02–R4]

Air Plan Approval; GA; Miscellaneous Rule Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Georgia, through the Georgia Environmental Protection Division (EPD) via a letter dated October 20, 2022. The revision seeks to change Georgia’s Rules for Air Quality Control in the SIP by removing the 1971 annual and 24-hour ambient air quality primary standard for sulfur dioxide (SO₂), which no longer apply in Georgia as of April 30, 2022. EPA is approving this SIP revision because the State has demonstrated that this change is consistent with the Clean Air Act (CAA or Act).

DATES: This rule is effective March 7, 2024.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2023–0232. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the 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. EPA requests that if at all possible, you contact the person 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. Ortiz can be reached via phone number (404) 562–8085 or via electronic mail at ortizborrero.josue@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

When EPA revised the primary SO₂ national ambient air quality standards (NAAQS) on June 2, 2010, to a new 1-hour short-term SO₂ standard at a level of 75 parts per billion (ppb) (codified at 40 CFR 50.17)¹ the agency concluded it was appropriate to revoke the 24-hour and annual primary standards, stating “a 1-hour standard at [a] level of 75 ppb would have the effect of maintaining 24-hour and annual SO₂ concentrations generally well below the levels of the current 24-hour and annual NAAQS”. See 75 FR 35550. Even though the 2010 1-hour standard was considered more protective than the previous SO₂ NAAQS, EPA included anti-backsliding provisions to ensure that the health protection provided by the prior 24-hour and annual SO₂ standards continues to be achieved as well as maintained as states transition to the new standard. Specifically, 40 CFR 50.4(e) provides that the 1971 SO₂ NAAQS will no longer apply to an area one year after the effective date of the designation of that area for the 2010 SO₂ NAAQS set forth in § 50.17; except that the 1971 SO₂ NAAQS remains in effect for areas that are nonattainment for that NAAQS as of the effective date of the 2010 SO₂ NAAQS, and areas not meeting the requirements of a SIP call with respect to requirements for the 1971 SO₂ NAAQS until that area submits, and EPA approves, an implementation plan providing for attainment of the 2010 SO₂ NAAQS.³

EPA completed designations for the 2010 SO₂ NAAQS in four rounds: June 3, 2013 (“Round 1”), July 2, 2016 (“Round 2”), December 31, 2017 (“Round 3”), and December 31, 2020 (“Round 4”). EPA designated all

¹ The 1-hour SO₂ standard provide requisite protection of public health with an adequate margin of safety. The 1-hour standard is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T to 40 CFR part 50 and 40 CFR 50.17(a) and (b). EPA established See 75 FR 35520 and <https://www.gpo.gov/fdsys/pkg/FR-2010-06-22/pdf/2010-13947.pdf>.

² See also NAAQS Table at <https://www.epa.gov/criteria-air-pollutants/naaqs-table>.

³ Federal Regulation 40 CFR 50.4(e) established when the 1971 SO₂ NAAQS would be revoked in areas in the country, and when it was necessary to retain the older SO₂ standards, setting conditions needed for the eventual transition to the new 1-hour SO₂ NAAQS.

counties in Georgia as attainment/unclassifiable for the 1-hour primary SO₂ NAAQS through three Rounds of SO₂ designations from 2016 through 2021, with an April 30, 2021, effective for the final Round 4 designations.⁴ Thus, on April 30, 2022, one year after the effective date of the Round 4 designations, pursuant to 40 CFR 50.4(e), the primary 24-hour and annual SO₂ NAAQS no longer applied in Georgia. Moreover, with no SO₂ nonattainment areas in Georgia for the 1971 or 2010 SO₂ NAAQS, the revocation of the 1971 SO₂ standards would not be deferred until nonattainment and maintenance planning requirements were met as required pursuant to 40 CFR 50.4(e). For these reasons, EPA is finalizing approval of Georgia's October 20, 2022, revision to Rule 391–3–1–.02(4), “Ambient Air Standards”, at paragraph (b), “Sulfur Dioxide” to remove the 1971 24-hour and annual SO₂ NAAQS from the SIP.

II. EPA's Action

EPA is finalizing approval of Georgia EPD's SIP revision submitted to EPA on October 20, 2022, seeking to revise the Air Quality Control SIP Rule 391–3–1–.02(4), “Ambient Air Standards”, at paragraph (b), “Sulfur Dioxide.” to remove the 1971, primary 24-hour SO₂ NAAQS of 0.14 ppm and the annual SO₂ standard of 0.03 ppm,⁵ which no longer apply in Georgia as of April 30, 2022. Specifically, the submission includes changes to Rule 391–3–1–.02(4) which include the removal of the 1971 annual and 24-hour standard and the renumbering of the remaining provisions of Rule 391–3–1–.02(4)(b).

Through a notice of proposed rulemaking (NPRM), published on December 21, 2023 (88 FR 88308), EPA proposed to approve Georgia's EPD's October 20, 2022, SIP revision to Rule 391–3–1 in accordance with 40 CFR 50.4(e) to remove the 1971 annual and 24-hour SO₂ standards from the Georgia SIP. The details of the submission, as well as EPA's rationale for changing this rule, are described in more detail in EPA's December 21, 2023, NPRM. Comments on the December 21, 2023, NPRM were due on or before January 22, 2024. EPA did not receive any comments on the December 21, 2023, NPRM.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as explained in Section I of this preamble, EPA is finalizing the incorporation of Georgia Rule 391–3–1–.02(4), “Ambient Air Standards,” paragraph (b), “Sulfur Dioxide,” State effective September 19, 2022, which removes subparagraphs (b)1 and (b)2 and renumbers the remaining provisions accordingly. 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). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.⁶

IV. Final Action

EPA is finalizing the approval of the aforementioned changes to Georgia's October 20, 2022, SIP submittal, which remove the 1971 annual and 24-hour primary SO₂ NAAQS from the Georgia SIP at Rule 391–3–1–.02(4), due to a Federal revocation of these standards.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 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.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the 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 minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

Georgia EPD did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither

⁴ See 40 CFR 81.311.

⁵ EPA promulgated the 1971 primary and secondary NAAQS for SO₂ on April 30, 1971. See 36 FR 8186. The 1971 primary SO₂ standards of 365 µg/m³ (0.14 ppm), averaged over a period of 24 hours and not to be exceeded more than once per year, and 80 µg/m³ (0.03 ppm), as an annual arithmetic mean.

⁶ 62 FR 27968 (May 22, 1997).

prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving EJ for people of color, low-income populations, and Indigenous peoples.

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).

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 April 8, 2024. 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 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, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 31, 2024.
Jeananne Gettle,
Acting Regional Administrator, Region 4.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart L—Georgia

■ 2. In § 52.570, amend table 1 to paragraph (c) by revising the entry for “391–3–1–.02(4)” to read as follows:

§ 52.570 Identification of plan.

* * * * *
(c) * * *

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

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
391–3–1–.02	Provisions			
*	*	*	*	*
391–3–1–.02(4)	Ambient Air Standards ..	9/19/2022	2/6/2024, [Insert citation of publication].	Except paragraphs (a), (c), (d), (e), (f), (g), and (h), approved on 12/4/2018 with a state effective date of 7/20/2017.
*	*	*	*	*

* * * * *
[FR Doc. 2024–02321 Filed 2–5–24; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2023–0355; FRL–11176–02–R9]

Air Quality Plans; Approvals and Promulgations: California; Amador Air District; New Source Review

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a permitting rule submitted as a revision to the Amador Air District (AAD or “District”) portion of the California State Implementation Plan

(SIP). This revision concerns the District’s New Source Review (NSR) permitting program for new and modified sources of air pollution under part D of Title I of the Clean Air Act (CAA or “Act”). This action will update the District’s applicable SIP with a rule revised to address deficiencies identified in a previous limited disapproval action by the EPA related to the District’s NSR permitting program under Part D. This final approval action permanently terminates all sanctions, sanctions clocks, and federal implementation plan clocks triggered by our January 12, 2022 limited disapproval action. This action also finalizes regulatory text to clarify that Amador County is not subject to the Federal Implementation Plan related to protection of visibility.
DATES: This rule will be effective March 7, 2024.
ADDRESSES: The EPA has established a docket for this action under Docket No.

EPA–R09–OAR–2023–0355. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.
FOR FURTHER INFORMATION CONTACT: Karima Zulfo, EPA Region IX, 75

Hawthorne St., San Francisco, CA 94105. By phone: (415) 972-3953 or by email at zulfo.karima@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us,” and “our” refer to the EPA.

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- I. Proposed Action
- II. Public Comments and EPA Responses

- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Proposed Action

On September 25, 2023, the EPA proposed to approve the rule listed in Table 1 into the California SIP.¹ The rule revisions that are the subject of this action represent an update to the

District’s preconstruction review and permitting program and are intended to satisfy the requirements under part D of title I of the Act (“Nonattainment NSR” or “NNSR”).² We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

TABLE 1—SUBMITTED RULE

Rule No.	Rule title	Amended date	Submitted date
400	NSR Requirements for New and Modified Major Sources in Nonattainment Areas.	1/17/2023	3/3/2023

The current SIP-approved version of the submitted rule is identified below in Table 2.

TABLE 2—SIP-APPROVED RULE

Rule No.	Rule title	SIP approval date	Federal Register citation
400	NSR Requirements for New and Modified Major Sources in Nonattainment Areas.	1/12/2022	87 FR 1683

As discussed in our proposal, the rule listed in Table 2 will be replaced in the SIP by the submitted rule listed in Table 1 upon our final approval. As described in our proposal, the EPA’s final approval of Rule 400 will resolve all deficiencies forming the basis for our previous limited disapproval of the prior version of Rule 400, adopted by the District on August 20, 2019, which is listed in Table 2.³

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, one non-germane comment was submitted on our proposal. A copy of the comment is included in the docket for this action.

III. EPA Action

No germane comments were submitted on our proposal. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is approving the submitted rule. This action incorporates the submitted rule into the California SIP

and replaces the previously submitted rule listed in Table 2. This approval resolves all deficiencies forming the basis for our previous limited disapproval in 2022 of the prior version of Rule 400, as we find that submitted Rule 400 fully satisfies the relevant requirements for preconstruction review and permitting under section 110 and part D of the Act.⁴ This action also permanently terminates all sanctions, sanctions clocks, and federal implementation plan clocks triggered by our January 12, 2022 limited disapproval action.

As noted in our proposal, this action also revises the regulatory provisions at 40 CFR 52.281(d) concerning the applicability of the visibility federal implementation plan (FIP) at 40 CFR 52.28 as it pertains to California, to provide that this FIP does not apply to sources subject to review under the District’s SIP-approved NNSR program. The EPA has previously found Rule 400 acceptable to meet the visibility provisions for sources subject to the NNSR program at 40 CFR 51.307, and

the EPA finds that revised Rule 400 continues to satisfy those requirements.⁵

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Rule 400 NSR Requirements for New and Modified Major Sources in Nonattainment Areas, amended 1/17/2023, which implements a nonattainment NSR permit program. The EPA has made, and will continue to make, these documents available through <https://www.regulations.gov> and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the

¹ 88 FR 65647.

² As discussed in Section 2.2 of the Technical Support Document (TSD) for this action, dated August 2023, Amador County was designated as a Moderate nonattainment area for the 1997 ozone National Ambient Air Quality Standard (NAAQS) at the time that standard was revoked, and is currently designated as a Marginal nonattainment area for the 2015 ozone NAAQS. See 40 CFR 81.305. On

October 7, 2022, the EPA determined that Amador County attained the 2015 ozone NAAQS by the applicable attainment date. 87 FR 60897.

³ 87 FR 1683 (“2022 NSR Action”).

⁴ These requirements include all relevant NNSR requirements for the 1997 and 2015 ozone NAAQS for areas classified as Moderate or Marginal.

⁵ See TSD for our 2022 NSR Action, dated July 20, 2021, Sections 1, 4.3, 6, and 9. As we noted in

our TSD for the current action, the submitted revised Rule 400 adds a provision that more clearly provides the District the authority to require monitoring in Federal Class I areas if deemed necessary, consistent with a recommendation by the EPA in our 2022 NSR Action. We find this new provision consistent with the EPA’s visibility requirements in 40 CFR 51.307(d). See TSD dated August 2023, Section 3.2.

provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this 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 (Public Law 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 Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the

greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.” The State did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The 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 Executive Order 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

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 April 8, 2024. 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 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, Administrative practice and procedure, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 29, 2024.

Martha Guzman Aceves,
Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

- 2. Section 52.220 is amended by adding paragraphs (c)(568)(i)(A)(2) and (c)(609) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(568) * * *

(i) * * *

(A) * * *

(2) Previously approved on January 12, 2022, in paragraph (c)(568)(i)(A)(1) of this section and now deleted with replacement in paragraph (c)(609)(i)(A)(1) of this section: Rule 400, “NSR Requirements for New and Modified Major Sources in Nonattainment Areas,” adopted on August 20, 2019.

* * * * *

(609) The following regulation was submitted electronically on March 3, 2023, by the Governor's designee as an attachment to a letter dated March 2, 2023.

(i) *Incorporation by reference.* (A) Amador Air District.

(1) Rule 400, “NSR Requirements for New and Modified Major Sources in Nonattainment Areas,” adopted on January 17, 2023.

(2) [Reserved]

(B) [Reserved]

(ii) [Reserved]

* * * * *

- 3. Section 52.281 is amended by adding paragraph (d)(14) to read as follows:

§ 52.281 Visibility protection.

* * * * *

(d) * * *

(14) Amador Air District.

* * * * *

[FR Doc. 2024-02164 Filed 2-5-24; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 15**

[ET Docket No. 18–295, GN Docket No. 17–183; FCC 23–86; FR ID 200645]

Unlicensed Use of the 6 GHz Band; and Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission is correcting a final rule that appeared in the **Federal Register** on January 8, 2024. The document issued a final rule permitting very low power (VLP) devices in the U–NII–5 (5.925–6.425 MHz) and U–NII–7 (6.525–6.875 MHz) portions of the 6 GHz band. This document corrects an error in one section of the final rule.

DATES: Effective March 8, 2024.

FOR FURTHER INFORMATION CONTACT: Nicholas Oros, Office of Engineering and Technology, at (202) 418–0636, Nicholas.Oros@fcc.gov.

SUPPLEMENTARY INFORMATION: In FR Doc. 2023–28006, appearing on page 874 in the **Federal Register** of Monday, January 8, 2024, make the following correction.

■ On page 891, in the first column, in § 15.407, paragraph (d)(6) is corrected to read as follows:

§ 15.407 [Corrected]

* * * * *

(d) * * *

(6) All U–NII transmitters, except for standard power access points and fixed client devices, operating in the 5.925–7.125 GHz band must employ a contention-based protocol.

* * * * *

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–02390 Filed 2–5–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 230224–0053; RTID 0648–XD708]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; modification of a closure; request for comments.

SUMMARY: NMFS is opening directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to fully use the A season allowance of the 2024 total allowable catch (TAC) of Pacific cod apportioned to catcher vessels using trawl gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 5, 2024, through 2400 hours, A.l.t., June 10, 2024. Comments must be received at the following address no later than 4:30 p.m., A.l.t., February 21, 2024.

ADDRESSES: You may submit comments on this document, identified by docket number NOAA–NMFS–2022–0094, by any of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2022–0094 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Mail: Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will

be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Abby Jahn, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR parts 600 and 679.

NMFS closed directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA on January 20, 2024. NMFS has determined that as of January 29, 2024, approximately 3,867 metric tons of Pacific cod remain of the A season allowance of the 2024 Pacific cod apportionment for catcher vessels using trawl gear in the Central Regulatory Area of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully use the A season allowance of the 2024 TAC of Pacific cod apportioned to catcher vessels using trawl gear in the Central Regulatory Area of the GOA, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA. The Administrator, Alaska Region, NMFS (Regional Administrator), considered the following factors in reaching this decision: (1) the current catch of Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA; and (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion,

and would delay the opening of directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 31, 2024.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5

U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice.

Without this inseason adjustment, NMFS could not allow the fishery for Pacific cod by catcher vessels catcher vessels using trawl gear in the Central Regulatory Area of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit

written comments on this action to the above address until February 21, 2024.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 31, 2024.

Everett Wayne Baxter,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–02307 Filed 2–5–24; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 89, No. 25

Tuesday, February 6, 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.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Appellate Jurisdiction Update

AGENCY: Merit Systems Protection Board.

ACTION: Proposed rule.

SUMMARY: This proposed rule updates the list of sources from which the Merit Systems Protection Board (MSPB) derives appellate jurisdiction.

DATES: Comments must be received on or before March 7, 2024.

ADDRESSES: Submit comments by using only one of the following methods:

Email: mspb@mspb.gov. Include “Proposed Rule—Appellate Jurisdiction” in the subject line of the email.

Fax: (202) 653–7130.

Mail or other commercial delivery: Jennifer Everling, Deputy Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419.

Instructions: All comments must reference “Proposed Rule—Appellate Jurisdiction.” Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to MSPB’s website (www.mspb.gov) and will include any personal information you provide. Therefore, submitting this information makes it public.

To ensure that your comments will be considered, you must submit them within the specified open comment period. Before finalizing this proposed rule, MSPB will consider all comments within the scope of the regulation received on or before the closing date for comments. MSPB may make changes to the final rule after considering the comments received.

FOR FURTHER INFORMATION CONTACT:

Jennifer Everling, Deputy Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; phone: (202) 653–7200; fax: (202) 653–7130; or email: mspb@mspb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Civil Service Reform Act grants the MSPB jurisdiction to hear appeals of any action made appealable to the MSPB under law, rule, or regulation. 5 U.S.C. 7701(a). For the ease of the MSPB’s stakeholders, the MSPB’s regulation at 5 CFR 1201.3 contains a list of the types of appeals the MSPB has been granted to hear.

On September 18, 2023, the Office of Personnel Management (OPM) proposed to create 5 CFR 302.603, which would give certain Federal employees moved into the excepted service, or moved between schedules in the excepted service, the ability to appeal any loss of appeal rights stemming from that move to the MSPB. The MSPB thus proposes to amend its list of appealable actions to reflect the new appeal right granted by the new 5 CFR 302.603.

The MSPB notes that, should OPM modify the language of the proposed 5 CFR 302.603 in its final rule, the MSPB would similarly amend its final version of 5 CFR 1201.3 if necessary to adjust for OPM’s modification to ensure that MSPB’s final rule is coextensive with the appeal right granted by OPM.

II. Scope of Comments Requested

The MSPB asks commenters to provide their view on the regulatory amendment proposed by MSPB.

III. Summary of Changes

Section 1201.3 Appellate Jurisdiction

The proposed amendment adds the new appeal right created in the proposed 5 CFR 302.603 to the currently existing list of appealable actions identified in § 1201.3(a).

IV. Procedural Requirements

A. Regulatory Impact Analysis: Executive Order 12866

The MSPB has examined the impact of this rulemaking as required by Executive Orders 12866, 13563, and 14094, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with

effects of \$200 million or more in any one year. This rulemaking does not reach that threshold but has otherwise been designated as a “significant regulatory action” under section 3(f) of Executive Order 12866, as supplemented by Executive Orders 13563 and 14094.

B. Regulatory Flexibility Act

The MSPB certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities because OPM’s proposed rule will apply only to Federal agencies and employees, and the MSPB’s proposed rule does not in itself effect any change, but only reflects OPM’s addition to MSPB’s jurisdiction.

C. Paperwork Reduction Act

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. Chapter 35).

D. Executive Order 13132, Federalism

This regulation will not have substantial direct effect on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Aug. 10, 1999), it is determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

E. Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in section 3(a) and (b)(2) of Executive Order 12988 (Feb. 7, 1996).

F. Unfunded Mandates Reform Act of 1995

This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. Thus, no written assessment of unfunded mandates is required.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

For the reasons set forth above, 5 CFR part 1201 is proposed to be amended as follows:

PART 1201—PRACTICES AND PROCEDURES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

■ 2. Section 1201.3 is amended by adding paragraph (a)(12) to read as follows:

§ 1201.3 Appellate jurisdiction.

(a) * * *

(12) *Service or schedule changes.*

Movement of an employee from the competitive service to the excepted service, or from one schedule in the excepted service to a different schedule in the excepted service, when such a move would strip the employee of any status or civil service protections they had already accrued.

* * * * *

Jennifer Everling,

Deputy Clerk of the Board.

[FR Doc. 2024-02528 Filed 2-2-24; 5:00 pm]

BILLING CODE 7400-01-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

[Docket ID OCC-2023-0016]

FEDERAL RESERVE SYSTEM

12 CFR Chapter II

[Docket No. OP-1828]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

RIN 3064-ZA39

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of regulatory review; request for comments.

SUMMARY: Pursuant to the Economic Growth and Regulatory Paperwork

Reduction Act of 1996 (EGRPRA), the OCC, Board, and FDIC (collectively, the agencies) are reviewing agency regulations to identify outdated or otherwise unnecessary regulatory requirements on insured depository institutions and their holding companies. The agencies divided their regulations into 12 categories outlined in the included chart. Over the next two years, the agencies will publish four **Federal Register** documents requesting comment on multiple categories. This first **Federal Register** document requests comment on regulations concerning the following three categories: Applications and Reporting, Powers and Activities, and International Operations.

DATES: Written comments must be received no later than May 6, 2024.

ADDRESSES: Comments should be directed to: OCC: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title “Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996” to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- **Federal eRulemaking Portal—Regulations.gov:** Go to <https://regulations.gov/>. Enter “Docket ID OCC-2023-0016” in the Search Box and click “Search.” Public comments can be submitted via the “Comment” box below the displayed document information or by clicking on the document title and then clicking the “Comment” box on the top-left side of the screen. For help with submitting effective comments, please click on “Commenter’s Checklist.” For assistance with the *Regulations.gov* site, please call 1-866-498-2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. ET, or email regulationshelpdesk@gsa.gov.

- **Mail:** Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- **Hand Delivery/Courier:** 400 7th Street, SW, Suite 3E-218, Washington, DC 20219.

Instructions: You must include “OCC” as the agency name and “Docket ID OCC-2023-0016” in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website 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.

You may review comments and other related materials that pertain to this action by the following method:

- **Viewing Comments Electronically—Regulations.gov:** Go to <https://regulations.gov/>. Enter “Docket ID OCC-2023-0016” in the Search Box and click “Search.” Click on the “Dockets” tab and then the document’s title. After clicking the document’s title, click the “Browse All Comments” tab. Comments can be viewed and filtered by clicking on the “Sort By” drop-down on the right side of the screen or the “Refine Comments Results” options on the left side of the screen. Supporting materials can be viewed by clicking on the “Browse Documents” tab. Click on the “Sort By” drop-down on the right side of the screen or the “Refine Results” options on the left side of the screen checking the “Supporting & Related Material” checkbox. For assistance with the *Regulations.gov* site, please call 1-866-498-2945 (toll free) Monday–Friday, 9am–5pm ET, or email regulationshelpdesk@gsa.gov.

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

Board: You may submit comments, identified by Docket No. OP-1828 by any of the following methods:

- **Agency Website:** <https://www.federalreserve.gov>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

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

- **Email:** regs.comments@federalreserve.gov. Include the docket number in the subject line of the message.

- **Fax:** 202-452-3819 or 202-452-3102.

- **Mail:** Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

Public Inspection: In general, all public comments will be made available on the Board’s website at www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm as submitted, and will not be modified to remove confidential, contact or any identifiable information. Public comments may also be viewed electronically or in paper in

Room M-4365A, 2001 C Street NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. during Federal business weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments by calling (202) 452-3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments. For users of TTY-TRS, please call 711 from any telephone, anywhere in the United States.

FDIC: The FDIC encourages interested parties to submit written comments. Please include your name, affiliation, address, email address, and telephone number(s) in your comment. You may submit comments to the FDIC, identified by “EGRPRA” in the subject line of your message by any of the following methods:

- **Agency Website:** <https://www.fdic.gov/resources/regulations/federal-register-publications/>. Follow instructions for submitting comments on the FDIC’s website.
- **Mail:** James P. Sheesley, Assistant Executive Secretary, Attention: Comments/Legal OES (EGRPRA), Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- **Hand Delivery/Courier:** Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW, building (located on F Street NW) on business days between 7:00 a.m. and 5:00 p.m. ET.
- **Email:** comments@FDIC.gov.

Include “EGRPRA” in the subject line of the message.

Public Inspection: Comments received, including any personal information provided, may be posted without change to <https://www.fdic.gov/resources/regulations/federal-register-publications/>. Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this notice will be retained in the public comment file and will be considered as required under all

applicable laws. All comments may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT:

OCC: Allison Hester-Haddad, Special Counsel, Daniel Amodeo, Counsel, or John Cooper, Counsel, Chief Counsel’s Office (202) 649-5490, 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.

Board: Katie Ballintine, Assistant Director, (202) 452-2555, Maria Jovanovic, Senior Financial Institution Policy Analyst II, (202) 475-6327, and Colton Hamming, Financial Institution Policy Analyst II, (202) 452-3932, Division of Supervision and Regulation; Mandie Aubrey, Senior Counsel, (202) 452-2595, Division of Consumer and Community Affairs; Dafina Stewart, Assistant General Counsel, (202) 452-2677 and David Cohen, Senior Attorney, (202) 452-5259, Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. For users of TTY-TRS, please call 711 from any telephone, anywhere in the United States.

FDIC: Karen J. Currie, Chief, Policy & Program Development Section, (202) 898-3981, Division of Risk Management Supervision; or William Piervincenzi, Supervisory Counsel, (202) 898-6957, Legal Division.

SUPPLEMENTARY INFORMATION:

I. Introduction

Congress enacted Section 2222 of EGRPRA ¹ to reduce regulatory burden imposed upon insured depository institutions consistent with safety and soundness, to promote consistency between the agencies’ regulations, and to support consumer protection. The statute requires that not less frequently than once every 10 years, the Federal Financial Institutions Examination Council (FFIEC),² along with the agencies,³ conduct a review of their

regulations to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions. In conducting this review, the FFIEC or the agencies shall (a) categorize their regulations by type and (b) at regular intervals, provide notice and solicit public comment on categories of regulations, requesting commenters to identify areas of regulations that are outdated, unnecessary, or unduly burdensome.⁴

EGRPRA also requires the FFIEC or the agencies to publish in the **Federal Register** a summary of the comments received, identifying significant issues raised and commenting on these issues. It also directs the agencies to eliminate unnecessary regulations to the extent that such action is appropriate. Finally, the statute requires the FFIEC to submit to Congress a report that summarizes any significant issues raised in the public comments and the relative merits of those issues. The report also must include an analysis of whether the agencies are able to address the regulatory burdens associated with such issues or whether these burdens must be addressed by legislative action.

II. The EGRPRA Review’s Targeted Focus

The EGRPRA regulatory review provides an opportunity for the public and the agencies to look at groups of related regulations and to identify opportunities for burden reduction.⁵ For example, the EGRPRA review may facilitate the identification of statutes and regulations that share similar goals or complementary methods where one or more agencies could eliminate the overlapping regulatory requirements. Alternatively, commenters may identify regulations or statutes that impose requirements that are no longer consistent with the way business is

elected to participate in the first and second EGRPRA reviews, and the NCUA Board again has elected to participate in this review process.

Consistent with its approach during the first and second EGRPRA reviews, NCUA will separately issue notices and requests for comment on its rules. The CFPB is required to review its significant rules and publish a report of its review no later than five years after they take effect. *See* 12 U.S.C. 5512(d). This process is separate from the EGRPRA process.

⁴ Insured depository institutions are also subject to regulations that are not reviewed under the EGRPRA process because they were not prescribed by the agencies. Examples include rules for which rulemaking authority was transferred to the CFPB and anti-money laundering regulations issued by the Department of the Treasury’s Financial Crimes Enforcement Network, among others. If, during the EGRPRA process, the agencies receive a comment about a regulation that is not subject to the EGRPRA review, we will forward that comment to the appropriate agency.

⁵ *See supra* note 1.

¹ 12 U.S.C. 3311.

² The FFIEC is an interagency body empowered to prescribe uniform principles, standards, and report forms for the Federal examination of financial institutions and to make recommendations to promote uniformity in the supervision of financial institutions. The FFIEC does not issue regulations that impose burden on financial institutions and, therefore, we have not separately captioned the FFIEC in this notice.

³ The FFIEC is comprised of the OCC, Board, FDIC, National Credit Union Administration (NCUA), Consumer Financial Protection Bureau (CFPB), and State Liaison Committee. Of these, only the OCC, Board, and FDIC are statutorily required to undertake the EGRPRA review. The NCUA

conducted and may warrant revision or elimination.

The EGRPRA review also provides the agencies and the public with an opportunity to consider how to reduce the impact on community banks or their holding companies. The agencies are aware of the role that these institutions play in providing consumers and businesses across the nation with essential financial services and access to credit. The agencies are especially concerned about the impact of requirements on these smaller institutions. The agencies understand that when a new regulation is issued or a current regulation amended, smaller institutions may have to devote a significant amount of their resources to determine if and how the regulation will affect them. Through the public comment process, the EGRPRA review can help the agencies identify and target regulatory changes to reduce impacts on these smaller institutions.

Burden reduction must be compatible with consumer protection, the safety and soundness of insured depository institutions, their affiliates, and the financial system as a whole. Burden reduction also must be consistent with the agencies' statutory mandates, many of which require the issuance of regulations. EGRPRA recognizes that effective burden reduction may require statutory changes. Accordingly, as part of this review, we specifically ask the public to comment on the relationship among burden reduction, regulatory requirements, policy objectives, and statutory mandates. We also seek quantitative data about the impact of rules, where available.

We note that the agencies must consider regulatory burden each time an agency proposes, adopts, or amends a rule. For example, under the Paperwork Reduction Act of 1995⁶ and the Regulatory Flexibility Act,⁷ the agencies assess each rulemaking with respect to the burdens the rule might impose. The agencies also invite the public to comment on proposed rules as required by the Administrative Procedure Act.⁸

III. The EGRPRA Review Process

Taken together for purposes of EGRPRA, the agencies' regulations covering insured depository institutions encompass more than 100 subjects.⁹

Consistent with the EGRPRA statute and past practice, the agencies have grouped these regulations into the following 12 categories listed in alphabetical order: Applications and Reporting; Banking Operations; Capital; Community Reinvestment Act; Consumer Protection;¹⁰ Directors, Officers and Employees; International Operations; Money Laundering; Powers and Activities; Rules of Procedure; Safety and Soundness; and Securities. These categories were used during the prior EGRPRA reviews. The agencies determined the categories by sorting the regulations by type and sought to have no category be too large or broad. These categories remain useful for the review, and the agencies have not modified the categories for purposes of this review.

Over the next two years, the agencies plan to publish four **Federal Register** notices, each addressing one or more categories of rules. Each **Federal Register** notice will have a 90-day comment period. Today, the agencies are publishing the first of the four notices, addressing the following categories of regulations: Applications and Reporting; Powers and Activities; and International Operations. The agencies invite the public to identify outdated, unnecessary, or unduly burdensome regulatory requirements imposed on insured depository institutions and their holding companies in these three categories.

To assist the public's understanding of how the agencies have organized the EGRPRA review, the agencies have prepared a chart that lists the categories of regulations with the three categories of regulations addressed in this **Federal Register** notice appearing as the first three categories in the chart. The chart's left column divides the categories into specific subject-matter areas. The headings at the top of the chart identify the types of institutions affected by the regulations.

The agencies will review the comments received and determine whether further action is appropriate with respect to the regulations. The agencies will consult and coordinate with each other and expect to generally make this determination jointly, as appropriate, in the case of rules that have been issued on an interagency basis. Similarly, as appropriate, the agencies will undertake any rulemaking to amend or repeal those rules on an

interagency basis. For rules issued by a single agency, the issuing agency will review the comments received and independently determine whether amendments to or repeal of its rules are appropriate.

IV. Request for Comments on the First Three Categories of Regulations: Applications and Reporting, Powers and Activities, and International Operations

The agencies are requesting comment on regulations in three specific categories to identify outdated, unnecessary, or unduly burdensome requirements imposed on insured depository institutions and their holding companies. The agencies will solicit comment on all rules finalized by the agencies before the publication of the last EGRPRA notice in the series. In addition to comments on regulations in the first three categories generally, the agencies are requesting comments on certain specific regulations described below within the first three categories issued since the last EGRPRA review. Where possible, the agencies ask commenters to cite to specific regulatory language or provisions. The agencies also welcome suggested alternative provisions or language in support of a comment, where appropriate. The agencies will consider comments submitted anonymously.

Specific Issues for Commenters To Consider

The agencies specifically invite comment on the following issues as they pertain to the agencies' Applications and Reporting, Powers and Activities, and International Operations rules addressed in this notice. We will ask these same questions for each notice we issue in connection with the EGRPRA process.

- *Need and purpose of the regulations.*

- *Question 1:* Have there been changes in the financial services industry, consumer behavior, or other circumstances that cause any regulations in these categories to be outdated, unnecessary, or unduly burdensome? If so, please identify the regulations, provide any available quantitative analyses or data, and indicate how the regulations should be amended.

- *Question 2:* Do any of these regulations impose burdens not required by their underlying statutes? If so, please identify the regulations and indicate how they should be amended.

- *Overarching approaches/flexibilities.*

⁶ 44 U.S.C. 3501–3521.

⁷ 5 U.S.C. 610.

⁸ 5 U.S.C. 551–559.

⁹ Consistent with EGRPRA's focus on reducing burden on insured depository institutions, the agencies have not included their internal, organizational, or operational regulations in this review. These regulations impose minimal, if any, burden on insured depository institutions.

¹⁰ The agencies are seeking comment only on consumer protection regulations for which they retain rulemaking authority for insured depository institutions and holding companies under the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010) (Dodd-Frank Act).

○ *Question 3:* With respect to the regulations in these categories, could an agency use a different regulatory approach to lessen the burden imposed by the regulations and achieve statutory intent?

○ *Question 3:* Do any of these rules impose unnecessarily inflexible requirements? If so, please identify the regulations and indicate how they should be amended.

- *Cumulative effects.*

○ *Question 4:* Looking at the regulations in a category as a whole, are there any requirements that are redundant, inconsistent, or overlapping in such a way that taken together, impose an unnecessary burden that could potentially be addressed? If so, please identify those regulations, provide any available quantitative analyses or data, and indicate how the regulations should be amended.

- *Effect on competition.*

○ *Question 5:* Do any of the regulations in these categories create competitive disadvantages for one part of the financial services industry compared to another or for one type of insured depository institution compared to another? If so, please identify the regulations and indicate how they should be amended.

- *Reporting, recordkeeping, and disclosure requirements.*

○ *Question 6:* Do any of the regulations in these categories impose outdated, unnecessary, or unduly burdensome reporting, recordkeeping, or disclosure requirements on insured depository institutions or their holding companies?

○ *Question 7:* Could an insured depository institution or its holding company fulfill any of these requirements through new technologies (if they are not already permitted to do so) and experience a burden reduction? If so, please identify the regulations and indicate how they should be amended.

- *Unique characteristics of a type of institution.*

○ *Question 8:* Do any of the regulations in these categories impose requirements that are unwarranted by the unique characteristics of a particular type of insured depository institution or holding company? If so, please identify the regulations and indicate how they should be amended.

- *Clarity.*

○ *Question 9:* Are the regulations in these categories clear and easy to understand?

○ *Question 10:* Are there specific regulations for which clarification is needed? If so, please identify the regulations and indicate how they should be amended.

- *Impact to community banks and other small, insured depository institutions.*

○ *Question 11:* Are there regulations in these categories that impose outdated, unnecessary, or unduly burdensome requirements on a substantial number of community banks, their holding companies, or other small, insured depository institutions or holding companies?

○ *Question 12:* Have the agencies issued regulations pursuant to a common statute that, as applied by the agencies, create redundancies or impose inconsistent requirements?

○ *Question 13:* Should any of these regulations issued pursuant to a common statute be amended or repealed to minimize this impact? If so, please identify the regulations and indicate how they should be amended.

○ *Question 14:* Have the effects of any regulations in these categories changed over time that now have a significant economic impact on a substantial number of small, insured depository institutions or holding companies? If so, please identify the regulations and indicate how they should be amended. The agencies seek information on (1) the continued need for the rule; (2) the complexity of the rule; (3) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (4) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

- *Scope of rules.*

○ *Question 15:* Is the scope of each rule in these categories consistent with the intent of the underlying statute(s)?

○ *Questions 16:* Could the agencies amend the scope of a rule to clarify its applicability or reduce the burden, while remaining faithful to statutory intent? If so, please identify the regulations and indicate how they should be amended.

Specific Interagency Regulations Issued Since the Last EGRPRA Review

- **Expanded Examination Cycle for U.S. Branches and Agencies of Foreign Banks.** In December 2018, the agencies expanded the number of insured depository institutions and U.S. branches and agencies of foreign banks eligible for an 18-month on-site examination cycle. As authorized by the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA),¹¹ the agencies' final rules

generally allow qualifying insured depository institutions with less than \$3 billion in total assets to benefit from an extended 18-month on-site examination cycle. The rules also make parallel changes to the agencies' regulations governing the on-site examination cycle for U.S. branches and agencies of foreign banks.

- **Reduced Reporting for Covered Depository Institutions.** In June 2019, the agencies established a reduced reporting requirement for certain covered depository institutions.¹²

- **Margin and Capital Requirements for Covered Swap Entities.** The agencies have issued and modified provisions related to margin and capital requirements for covered swap entities since the last EGRPRA review.¹³

- **Amendments to the Regulations Implementing Section 13 of the Bank Holding Company Act Regarding Proprietary Trading and Relationships with Covered Funds.** In July 2020, the agencies adopted amendments to the regulations implementing Section 13 of the Bank Holding Company Act (BHC Act),¹⁴ also known as the Volcker Rule. The amendments continued efforts in 2014, when the agencies amended the regulations in a manner consistent with certain sections of the EGRRCPA.¹⁵ Section 13 of the BHC Act contains certain restrictions on the ability of a banking entity or nonbank financial company supervised by the Board to engage in proprietary trading and have certain interests in, or relationships with, a hedge fund or private equity fund (covered funds). The amendments were intended to improve and streamline the regulations implementing Section 13 of the BHC Act by modifying and clarifying requirements related to the covered fund provisions of the rules and to be consistent with EGRRCPA.

- **Computer-Security Incident Notification Requirements.** In November 2021, the agencies established notification requirements related to computer-security incidents that may adversely affect insured depository institutions.¹⁶

Specific OCC Regulations Issued Since the Last EGRPRA Review

- **Integration of Applications and Reporting rules and Powers and Activities rules for Federal Savings**

¹² 84 FR 29050 (Jun. 21, 2019).

¹³ 80 FR 74839 (Nov. 30, 2015); 83 FR 50805 (Oct. 10, 2018); 84 FR 9940 (Mar. 19, 2019); 85 FR 39464 (Jul. 1, 2020); 85 FR 39754 (Aug. 31, 2020).

¹⁴ 12 U.S.C. 1851.

¹⁵ See EGRRCPA sections 203, 204. These provisions were effective upon EGRRCPA's enactment.

¹⁶ 86 FR 66424 (Nov. 23, 2021).

¹¹ See Economic Growth, Regulatory Relief, and Consumer Protection Act, Public Law 115–174, 132 Stat. 1296 (2018).

Associations and National Banks. In December 2020, to the extent appropriate and consistent with statutory charter differences, the OCC integrated its Applications and Reporting rules (the majority of which are included in the OCC's licensing rules contained in 12 CFR part 5) for national banks and Federal savings associations.¹⁷ Similarly, in December 2020, to the extent appropriate and consistent with statutory charter differences, the OCC integrated its Powers and Activities rules (which are contained in 12 CFR part 7) for national banks and Federal savings association.¹⁸

- **Question 17:** Are there additional rules that could be integrated, amended, or removed?

- **Covered Savings Associations Provisions.** In 2019, as required by the EGRCPA,¹⁹ the OCC established standards and procedures for Federal savings associations that elected to operate as a covered savings association under Section 5a of the Home Owners' Loan Act.²⁰

Specific Board Regulations Issued Since the Last EGRPRA Review

- **Modified Capital Planning Requirements for Certain Holding Companies.** In 2021, the Board adopted a final rule to modify the requirements in the Board's capital plan rule for firms with assets of \$100 billion or more.²¹ Among other changes, this rule modified regulatory reporting requirements for Large Bank Holding Companies, Intermediate Holding Companies, and Savings and Loan Holding Companies.

Specific FDIC Regulations Issued Since the Last EGRPRA Review

- **Transferred Regulations from the Office of Thrift Supervision (OTS).** Pursuant to Section 316(b) of the Dodd-Frank Act, rules transferred from the OTS to the FDIC and other successor agencies remain in effect "until modified, terminated, set aside, or superseded in accordance with applicable law" by the relevant successor agency, by a court of competent jurisdiction, or by operation of law. When the FDIC republished the transferred OTS regulations as new FDIC regulations applicable to state savings associations, the FDIC stated in its **Federal Register** notice that its staff

would evaluate the transferred OTS rules and might later recommend incorporating the transferred OTS regulations into other FDIC rules, amending them, or rescinding them. This process began in 2013 and continues, involving publication in the **Federal Register** of a series of notices of proposed rulemakings and final rulemakings.²² As of the date of this notice, only two of the transferred OTS regulations remain. The FDIC will consider public comments submitted either through the EGRPRA review process or through any notice and comment rulemaking related to the FDIC's determinations regarding the transferred OTS regulations.

- **Amendments to International Banking Regulations (Part 347).** In March 2020, the FDIC revised its existing international banking regulations (contained in 12 CFR part 347) to replace references to credit ratings in the definition of investment grade with an alternative standard of creditworthiness and to make changes to the eligibility criteria for the types of assets that insured branches of foreign banks may pledge for the benefit of the FDIC.

- **Incorporation of Existing Statement of Policy Regarding Requests for Participation in the Affairs of an Insured Depository Institution by Convicted Individuals.** In August 2020, the FDIC revised its existing regulations pertaining to Section 19 of the FDI Act²³ (contained in 12 CFR parts 303 and 308) regarding the FDIC's procedures and standards relating to applications for the FDIC's written consent and to incorporate and revise the FDIC's existing Statement of Policy for Section 19 of the FDI Act (SOP). The incorporation of the SOP into the FDIC's regulations was intended to make the application of the SOP more transparent, increase certainty concerning the FDIC's application process, afford regulatory relief, and help both insured depository institutions and affected individuals to understand the impact of Section 19 and to potentially seek relief from it.²⁴

²² Final rulemakings include: 78 FR 76721 (Dec. 19, 2013); 79 FR 42182 (Jul. 21, 2014); 79 FR 42183 (Jul. 21, 2014); 79 FR 63498 (Oct. 24, 2014); 80 FR 5009 (Jan. 30, 2015); 80 FR 5015 (Jan. 30, 2015); 80 FR 65612 (Oct. 27, 2015); 80 FR 65903 (Oct. 28, 2015); 80 FR 65913 (Oct. 28, 2015); 80 FR 79250 (Dec. 21, 2015); 83 FR 13839 (Apr. 2, 2018); 83 FR 13843 (Apr. 2, 2018); 83 FR 60333 (Nov. 26, 2018); 84 FR 31171 (Jul. 1, 2019); 84 FR 65276 (Nov. 27, 2019); 85 FR 3232 (Jan. 21, 2020); 85 FR 3247 (Jan. 21, 2020); 85 FR 3250 (Jan. 21, 2020); 86 FR 8082 (Feb. 3, 2021); 86 FR 8089 (Feb. 3, 2021); 86 FR 8098 (Feb. 3, 2021).

²³ 12 U.S.C. 1829.

²⁴ On December 23, 2022, the President signed into law the Fair Hiring in Banking Act (FHBA),

- **Rule Regarding Parent Companies of Industrial Banks and Industrial Loan Companies (Part 354).** In February 2021, the FDIC adopted a final rule (contained in 12 CFR part 354) that requires certain conditions and commitments for each deposit insurance application approval, non-objection to a change in control notice, and merger application approval that would result in an insured industrial bank or industrial loan company becoming, on or after the effective date of the final rule, a subsidiary of a company that is not subject to consolidated supervision by the Board. The final rule also requires that before any industrial bank or industrial loan company may become a subsidiary of a company that is not subject to consolidated supervision by the Board, such company and the industrial bank or industrial loan company must enter into one or more written agreements with the FDIC.

V. The Agencies' Review of Regulations Under Section 610 of the Regulatory Flexibility Act (RFA)

Consistent with past practice, the [agencies] will use the EGRPRA review to satisfy their respective obligations under Section 610 of the RFA.²⁵ To that end, for each rule that has a significant impact on a substantial number of small entities issued in the last 10 years, the [agencies] invite comment on (1) the continued need for the rule; (2) the complexity of the rule; (3) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (4) the length of time since the rule has been evaluated or the degree to which

which significantly revised Section 19 and was effective immediately. The FHBA appears at Section 5705 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. 117-263, 136 Stat. 2395, 3411 (2022). The FDIC is working on a proposal to amend its Section 19 regulations under 12 CFR parts 303 and 308 to conform with the FHBA.

²⁵ Section 610 of the Regulatory Flexibility Act, 5 U.S.C. 610, imposes a continuing obligation on the agencies to review regulations that may have a significant economic impact upon a substantial number of small entities, within 10 years after a final rulemaking is published. A subset of the rules the agencies will review under EGRPRA will also be reviewed under the Section 610 review criteria. The agencies will indicate which rules are subject to Section 610 review. The factors the agencies consider in evaluating a rule under 5 U.S.C. 610 are (1) the continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

¹⁷ 85 FR 80404 (Dec. 11, 2020). The OCC initially integrated its licensing rules for national banks and Federal savings associations in 2015. 80 FR 28345 (May 18, 2015).

¹⁸ 85 FR 83686 (Dec. 22, 2020).

¹⁹ 12 U.S.C. 1464a.

²⁰ 84 FR 23991 (May 24, 2019).

²¹ 86 FR 7927 (Feb. 3, 2021).

technology, economic conditions, or other factors have changed in the area affected by the rule. The purpose of the review will be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic

impact of the rules upon a substantial number of such small entities.

The agencies have not identified any rules pertaining to Applications and Reporting, Powers and Activities, and International Operations that would have a significant impact on a substantial number of small entities. The agencies will consider public

comments submitted through the EGRPRA review process and agency experience to identify regulations where the agencies can reduce burdens that have a significant impact on a substantial number of small, insured depository institutions.²⁶

BILLING CODE 4810-33-; 6210-01-; 6714-01-P

²⁶ The review will be consistent with the requirements of a Regulatory Flexibility Act, Section 610 review. The [agencies] will determine whether particular rules should be continued without change, amended, or rescinded, consistent with the objectives of applicable statutes, to minimize any significant economic impact of the rules on a substantial number of small, insured depository institutions.

Categories and Regulations Addressed in Third Review

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
1. Applications and Reporting						
Interagency Regulations						
Bank Merger Act	12 CFR 5.33	12 CFR Part 262.3 (processing and notice) 12 CFR Part 225 Subpart B [Reg. Y]	12 CFR Part 303, Subpart D	12 CFR 5.33	12 CFR Part 303, Subpart D	
Change in Bank Control	12 CFR 5.50	12 CFR Part 225, Subpart E [Reg. Y]	12 CFR Part 303, Subpart E 12 CFR Part 308, Subparts D and E	12 CFR 5.50	12 CFR Part 303, Subpart E	12 CFR Part 225, Subpart E [Reg. Y] ----- 12 CFR Part 238, Subpart D [Reg. LL]
Notice of Addition or Change of Directors	12 CFR 5.51	12 CFR Part 225, Subpart H [Reg. Y]	12 CFR Part 303, Subpart F	12 CFR 5.51	12 CFR Part 303, Subpart F	12 CFR Part 225, Subpart H [Reg. Y] ----- 12 CFR Part 238, Subpart H [Reg. LL]
Reduced Reporting for Covered Depository Institutions	12 CFR Part 52	12 CFR Part 208, Subpart K [Reg. H]	12 CFR Part 304, Subpart B	12 CFR Part 52	12 CFR Part 304, Subpart B	
Computer-Security Incident Notification Requirements	12 CFR Part 53	12 CFR Part 225, Subpart N [Reg. Y]	12 CFR Part 304, Subpart C	12 CFR Part 53	12 CFR Part 304, Subpart C	12 CFR Part 225, Subpart N [Reg. Y]
OCC Regulations						
National Bank and Federal Savings Association Rules, Policies, and Procedures for Corporate Activities	12 CFR Part 5 (Generally)			12 CFR Part 5		
Federal Savings Association Mutual to Stock Conversions				12 CFR Part 192	12 CFR Part 192 (Conversions from Mutual to Stock Form)	
Federal Savings Association Offices				12 CFR 145.92		

[illegible]

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Call Reports and Other Forms, Instructions and Reports	12 CFR Part 304 (excluding 304.3(d))	12 CFR Part 304 (excluding 304.3(d))	12 CFR Part 304	12 CFR Part 304 (excluding 304.3(d))	12 CFR Part 304	
Deposit Insurance Filing Procedures	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	
Extension of Corporate Powers			12 CFR Part 333		12 CFR Part 333	
Filing Procedures and Delegations of Authority			12 CFR Part 303		12 CFR Part 303	
Industrial Banks and Industrial Loan Companies			12 CFR Part 354			
2. Powers and Activities						
Interagency Regulations						
Proprietary Trading and Relationships with Covered Funds	12 CFR Part 44	12 CFR Part 248 [Reg. VV]	12 CFR Part 351	12 CFR Part 44	12 CFR Part 351	12 CFR Part 248 [Reg. VV] ----- 12 CFR Part 248 [Reg. VV]
Retail Foreign Exchange Transactions	12 CFR Part 48	12 CFR Part 240 [Reg. NN]	12 CFR Part 349	12 CFR Part 48	12 CFR Part 349	12 CFR Part 240 [Reg. NN] -----
OCC Regulations						
National Bank and Federal Savings Association Powers	12 CFR Part 7, Subpart A			12 CFR Part 7, Subpart A		
National Bank Electronic Activities	12 CFR Part 7, Subpart E					
National Bank Community Development Corporations, Community Development	12 CFR Part 24					

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Projects, and Other Public Welfare Investments						
National Bank Debt Cancellation Contracts and Debt Suspension Agreements	12 CFR Part 37					
National Bank Fiduciary Activities	12 CFR Part 9					
Investment in National Bank or Federal Savings Association Premises	12 CFR 5.37			12 CFR 5.37		
National Bank Investment Securities	12 CFR Part 1	12 CFR Part 1				
National Bank Leasing	12 CFR Part 23					
National Bank Real Estate Lending	12 CFR Part 34, Subparts A and B					
National Bank Sales of Credit Life Insurance	12 CFR Part 2					
Federal Savings Association General				12 CFR Part 145; See also: 12 CFR Parts 143, 144, (Federal Mutual Savings Associations)		
Federal Savings Association Deposits				12 CFR Parts 157, 161 (definitions)		
Federal Savings Association Electronic Operations				12 CFR Part 155		

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Federal Savings Association Fiduciary Powers				12 CFR Part 150		
Federal Savings Association Lending and Investment				12 CFR Part 160		
Preemption of State Due-On- Sale Laws (Implementation of Garn-St Germain)	12 CFR Part 191	12 CFR Part 191	12 CFR Part 191	12 CFR Part 191	12 CFR Part 191	
Preemption of State Usury Laws (Implementation of DIDMCA)	12 CFR Part 190	12 CFR Part 190	12 CFR Part 190	12 CFR Part 190	12 CFR Part 190	
Federal Savings Association Subordinate Organizations				12 CFR 5.38 and 5.59		
Retail Foreign Exchange Transactions	12 CFR Part 48			12 CFR Part 48		
Preemption Generally	12 CFR Part 7, Subpart D			12 CFR 7.4010		
Covered Savings Associations				12 CFR Part 101		
Board Regulations						
Bank Holding Companies, Financial Holding Companies, Savings and Loan Holding Companies (General provisions not included elsewhere in this list)						12 CFR Part 225, Subparts A, F, J [Reg. Y] ----- 12 CFR Part 238, Subparts A, G, K, I [Reg. LL] 12 CFR P; 9 [Reg. MM]

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Activities and Operations		12 CFR Part 208, 208.37, Subparts A, G [Reg H] 12 CFR Part 209				
Community Development; Public Welfare Investments; Investment in Bank Premises; Investment Securities		12 CFR Part 208, Subpart B [Reg H]				
Fiduciary Activities		12 CFR Part 225.28(b)(5) [Reg. Y]				
Leasing of Real Property Personal Property		12 CFR Part 225.28(b)(3) [Reg. Y]				
Real Estate Lending		12 CFR Part 208, Subpart E [Reg H]				12 CFR Part 225, Subpart G [Reg. Y] -----
Sales of Insurance		12 CFR Part 208, Subpart H [Reg H]				
FDIC Regulations						
Activities of Insured State Banks		12 CFR Part 362, Subpart A; 12 CFR Part 303, Subpart G	12 CFR Part 362, Subparts A, B, and E; 12 CFR Part 303, Subpart G			
Activities of Insured State Savings Associations					12 CFR Part 362, Subparts C and D; 12 CFR Part 303, Subpart H	
Requests for Participation in the Affairs of an Insured Depository Institution by Convicted Individuals (Section 19 of the FDI Act)	12 CFR Part 303, Subpart L; 12 CFR Part 308, Subpart M	12 CFR Part 303, Subpart L; 12 CFR Part 308, Subpart M	12 CFR Part 303, Subpart L; 12 CFR Part 308, Subpart M	12 CFR Part 303, Subpart L; 12 CFR Part 308, Subpart M	12 CFR Part 303, Subpart L; 12 CFR Part 308, Subpart M	

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
3. International Operations						
Interagency Regulations						
International Lending Supervision	12 CFR Part 28, Subpart C	12 CFR Part 211, Subpart D [Reg. K]	12 CFR Part 347, Subpart C			12 CFR Part 211, Subpart D [Reg. K] -----
Margin and Capital Requirements for Covered Swap Entities	12 CFR Part 45	12 CFR Part 237 [Reg. KK]	12 CFR 349	12 CFR Part 45	12 CFR 349	12 CFR Part 237 [Reg. KK] ----- 12 CFR Part 237 [Reg. KK]
Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks	12 CFR Part 4, Subpart A	12 CFR Part 211, Subpart B [Reg. K]	12 CFR 347, Subpart B	12 CFR Part 4, Subpart A	12 CFR 347, Subpart B	12 CFR Part 211 [Reg. K] ----- 12 CFR Part 211 [Reg. K]
OCC Regulations						
Foreign Operations of National Banks	12 CFR Part 28, Subpart A					
Board Regulations						
International Operations of U.S. Banking Organizations	12 CFR Part 211, Subpart A [Reg. K]	12 CFR Part 211, Subpart A [Reg. K]				12 CFR Part 211 Subpart A [Reg. K] -----
Edge and Agreement Corporations	12 CFR Part 211.5-7 [Reg. K]	12 CFR Part 211.5-7 [Reg. K]				12 CFR Part 211.5-7 [Reg. K] -----
Foreign Banking Organizations Interstate Banking Operations Nonbanking Activities U.S. Offices						12 CFR Part 211 Subpart B [Reg. K] -----
Export Trading Companies; International Lending Supervision						12 CFR Part 211, Subparts C, D [Reg. K]
Foreign Banking Organizations: Stress Tests, Risk Committee,						12 CFR Part 252 Subparts M, N [Reg. YY] -----

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
and Enhanced Prudential Standards						
FDIC Regulations						
Foreign Banking and Investment by Insured State Nonmember Banks			12 CFR Part 347, Subpart A; 12 CFR Part 303, Subpart J			

Categories and Regulations to be Addressed in Subsequent Federal Register Notifications

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
4. Banking Operations						
OCC Regulations						
Assessment of Fees	12 CFR Part 8			12 CFR Part 8		
National Bank and Federal Savings Associations Operations	12 CFR Part 7, Subpart C			12 CFR Part 7, Subpart C		
Savings Association Operations				12 CFR Part 163		
Definitions for Regulations Affecting Federal Savings Associations				12 CFR Part 141		
Definitions for Regulations Affecting All Savings Associations				12 CFR Part 161		
Board Regulations						
Assessment of Fees						12 CFR Part 246 [Reg. TT] ----- 12 CFR Part [Reg. TT]

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Availability of Funds and Collection of Checks	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	
Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	
Debit Card Interchange Fees	12 CFR Part 235 [Reg. II]	12 CFR Part 235 [Reg. II]	12 CFR Part 235 [Reg. II]	12 CFR Part 235 [Reg. II]	12 CFR Part 235 [Reg. II]	
Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	
Reserve Requirements of Depository Institutions	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	
The Payment System Risk Reduction Policy	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	
FDIC Regulations						
Assessments	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	
5. Capital						
Interagency Regulations						
Capital Adequacy: General Provisions Ratio Requirements and Buffers Definition of Capital Transition Provisions	12 CFR Part 3, Subparts A–C, G	12 CFR Part 217, Subparts A–C, G [Reg. Q]	12 CFR Part 324, Subparts A–C, G	12 CFR Part 3, Subparts A–C, G	12 CFR Part 324, Subparts A–C, G	12 CFR Part 217, Subparts A–C, G, and H [Reg. Q] ----- 12 CFR Part 217, Subparts A–C, G [Reg. Q]
Capital Adequacy: Risk-Weighted Assets—Standardized Approach	12 CFR Part 3, Subpart D	12 CFR Part 217, Subpart D [Reg. Q]	12 CFR Part 324, Subpart D	12 CFR Part 3, Subpart D	12 CFR Part 324, Subpart D	12 CFR Part 217, Subpart D [Reg. Q] ----- 12 CFR Part 217, Subpart I [Reg. Q]

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Capital Adequacy: Risk-Weighted Assets— Internal Ratings-Based and Advanced Measurement Approaches	12 CFR Part 3, Subpart E	12 CFR Part 217, Subpart E [Reg. Q]	12 CFR Part 324, Subpart E	12 CFR Part 3, Subpart E	12 CFR Part 324, Subpart E	12 CFR Part 217, Subpart E [Reg. Q] ----- 12 CFR Part 217, Subpart E [Reg. Q]
Capital Adequacy: Risk-Weighted Assets— Market Risk	12 CFR Part 3, Subpart F	12 CFR Part 217, Subpart F [Reg. Q]	12 CFR Part 324, Subpart F	12 CFR Part 3, Subpart F	12 CFR Part 324, Subpart F	12 CFR Part 217, Subpart F [Reg. Q] ----- 12 CFR Part 217, Subpart F [Reg. Q]
Prompt Corrective Action	12 CFR Part 6	12 CFR Part 208, Subpart D [Reg. H]; 12 CFR Part 263, Subpart H	12 CFR Part 324, Subpart H	12 CFR Part 6; 12 CFR 165.8; 12 CFR 165.9	12 CFR Part 324, Subpart H	12 CFR Part 208, Subpart D [Reg. H] 12 CFR Part 263, Subpart H -----
OCC Regulations						
Capital Adequacy: Establishment of Minimum Capital Ratios for an Individual Bank or Individual Federal Savings Association Enforcement Issuance of a Directive Interpretations	12 CFR Part 3, Subparts H—K			12 CFR Part 3, Subparts H-K		
Annual Stress Tests	12 CFR Part 46			12 CFR Part 46		
Changes in Permanent Capital of a National Bank or Federal Savings Association; Subordinated Debt Issued by a National Bank or Federal Savings Association	12 CFR 5.46-.47			12 CFR 5.45, 5.56		
Board Regulations						

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Capital Planning						12 CFR Part 225.8 [Reg. Y] -----
Stress Tests— U.S. Organizations Company Run and Supervisory		12 CFR Part 252, Subparts B, E, and F [Reg. YY]				12 CFR Part 252, Subparts B, E, and F [Reg. YY] ----- 12 CFR Part 238, Subparts O and P [Reg. LL]
Total Loss-Absorbing Capacity, Long Term Debt, and Clean Holding Company Requirements						12 CFR Part 252, Subpart G and P [Reg. YY] -----
FDIC Regulations						
Annual Stress Tests			12 CFR Part 325		12 CFR Part 325	
6. Community Reinvestment Act¹						
Interagency Regulations						
Community Reinvestment Act	12 CFR Part 25	12 CFR Part 228 [Reg. BB]	12 CFR Part 345	12 CFR Part 25	12 CFR Part 25	12 CFR Part 228 [Reg BB] ----- 12 CFR Part 228 [Reg BB]
Disclosure and Reporting of CRA-Related Agreements	12 CFR Part 35	12 CFR Part 207 [Reg. G]	12 CFR Part 346	12 CFR Part 35	12 CFR Part 346	12 CFR Part 207 [Reg G] ----- 12 CFR Part 207 [Reg G]
7. Consumer Protection² –						
Interagency Regulations						
Consumer Protection in Sales of Insurance	12 CFR Part 14	12 CFR Part 208, Subpart H [Reg. H]	12 CFR Part 343	12 CFR Part 14	12 CFR Part 343	

¹ Community development regulations are being published for comment as part of the Powers and Activities category.

² Regulations for which rulemaking authority has transferred to the CFPB are not included in this Consumer Protection category. As described in the Supplementary Information section of this notice, the CFPB is required to review its significant rules and publish a report of its review no later than five years after they take effect, in a process separate from the EGRPRA process.

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Fair Housing	12 CFR Part 27		12 CFR Part 338	12 CFR Part 128 (including other nondiscrimination requirements)	12 CFR Part 338	
Loans in Identified Flood Hazard Arcas	12 CFR Part 22	12 CFR Part 208.25 [Reg. H]	12 CFR Part 339	12 CFR Part 22	12 CFR Part 339	
Prohibition Against Use of Interstate Branches Primarily for Deposit Production	12 CFR Part 25, Subpart E	12 CFR Part 208.7 [Reg. H]	12 CFR Part 369			
Information Security Standards	12 CFR Part 30, Appx. B	12 CFR Part 208, Appx. D-2 [Reg. H]	12 CFR Part 364, Appx. B	12 CFR Part 30, Appx. B	12 CFR Part 364, Appx. B	12 CFR Part 225, Appx. F [Reg. Y] -----
Fair Credit Reporting Act Duties of Users of Consumer Reports Regarding Address Discrepancies and Records Disposal	12 CFR Part 41, Subpart I	12 CFR Part 222, Subpart I [Reg V]	12 CFR Part 334, Subpart I	12 CFR Part 41, Subpart I	12 CFR Part 334, Subpart I	
Fair Credit Reporting Act Consumer Information Identity Theft Red Flags	12 CFR Part 41, Subpart J	12 CFR Part 222 Subpart J [Reg V]	12 CFR Part 334, Subpart J	12 CFR Part 41, Subpart J	12 CFR Part 334, Subpart J	
OCC Regulations						
Federal Savings Association Advertising				12 CFR 163.27		
Federal Savings Association Tying Restriction Exception				12 CFR 163.36		
Residential Mortgage Lending Practices	12 CFR Part 30, Appx. C			12 CFR Part 30, Appx. C		
FDIC Regulations						
Advertisement of Membership	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328	
Deposit Insurance Coverage	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330	

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Certification of Assumption of Deposits and Notification of Changes of Insured Status	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307	
Federal Interest Rate Authority		12 CFR Part 331	12 CFR Part 331			
State Savings Association Tying Restriction Exception						
	8. Directors, Officers and Employees					
	Interagency Regulations					
Limits on Extensions of Credit to Executive Officers, Directors and Principal Shareholders; Related Disclosure Requirements	12 CFR Part 31	12 CFR Part 215 [Reg. O]	12 CFR 337.3	12 CFR Part 31	12 CFR 337.3	
Management Official Interlocks	12 CFR Part 26	12 CFR Part 212 [Reg. L]	12 CFR Part 348	12 CFR Part 26	12 CFR Part 348	12 CFR Part 212 [Reg. L] ----- 12 CFR Part 238, Subpart J [Reg LL]
	OCC Regulations					
National Bank Activities and Operations	12 CFR Part 7, Subpart B-C					
Federal Savings Association Operations				12 CFR Part 163		
Federal Savings Association Restrictions on Transactions with Officers, Directors, and Others				12 CFR Part 31; 12 CFR 160.130		
	FDIC Regulations					
Golden Parachute and Indemnification Programs	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359 ----- 12 CFR Part 359
	9. Money Laundering					
	Interagency Regulations					

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Bank Secrecy Act Compliance	12 CFR Part 21, Subpart C	12 CFR Part 208.63 [Reg. H]	12 CFR Part 326, Subpart B	12 CFR Part 21, Subpart C	12 CFR Part 326, Subpart B	
Reports of Crimes or Suspected Crimes	12 CFR Part 21, Subpart B	12 CFR Part 208.62-.63 [Reg. H]	12 CFR Part 353	12 CFR 163.180(d)	12 CFR Part 353	12 CFR Part 225.4(f) [Reg. Y]
10. Rules of Procedure						
Interagency Regulations						
Uniform Rules of Practice and Procedure	12 CFR Part 19	12 CFR Part 263	12 CFR Part 308	12 CFR Part 109 To be integrated with Part 19	12 CFR Part 308	12 CFR Part 263
OCC Regulations						
Voluntary Liquidation of a National Bank or Federal Savings Association	12 CFR 5.48			12 CFR 5.48		
Federal Savings Association Investigative Proceedings and Formal Examinations				12 CFR Part 112		
Federal Savings Association Removals, Suspensions and Prohibitions Where a Crime is Charged or Proven				12 CFR Part 108		
FDIC Regulations						
Orderly Liquidation Authority						12 CFR Part 380
Resolution and Receivership Rules	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	
Recordkeeping for Timely Deposit Insurance Determination	12 CFR Part 370	12 CFR Part 370	12 CFR Part 370	12 CFR Part 370	12 CFR Part 370	
Recordkeeping Requirements for Qualified Financial Contracts	12 CFR Part 371	12 CFR Part 371	12 CFR Part 371	12 CFR Part 371	12 CFR Part 371	

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Restrictions on Sale of Assets by the Federal Deposit Insurance Corporation	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	
11. Safety and Soundness						
Interagency Regulations						
Minimum Security Procedures	12 CFR Part 21, Subpart A	12 CFR Part 208.61 [Reg. H]	12 CFR Part 326, Subpart A	12 CFR Part 168	12 CFR Part 326, Subpart A	-----
Appraisal Standards for Federally Related Transactions	12 CFR Part 34, Subpart C	12 CFR Part 208.50 [Reg. H]; 12 CFR Part 225, Subpart G [Reg. Y]	12 CFR Part 323	12 CFR Part 34, Subpart C	12 CFR Part 323	12 CFR Part 225, Subpart G [Reg. Y] -----
Real Estate Lending Standards	12 CFR Part 34, Subpart D	12 CFR Part 208, Appx. C [Reg. H]	12 CFR Part 365, Subpart A	12 CFR 160.101	12 CFR Part 365, Subpart A	-----
Appraisals: Higher-priced Mortgages	12 CFR Part 34, Subpart G	12 CFR Part 226.43; 12 CFR Part 226, Appx. N and O, and Supp. I [Reg. Z]	12 CFR Part 1026 [Reg. Z]	12 CFR Part 34, Subpart G	12 CFR Part 1026 [Reg. Z]	12 CFR Part 226.43; 12 CFR Part 226, Appx. N and O, and Supp. I [Reg. Z] ----- 12 CFR Part 226.43; 12 CFR Part 226, Appx. N and O, and Supp. I [Reg. Z]
Appraisal Management Company Minimum Standards	12 CFR Part 34, Subpart H	12 CFR Part 225, Subpart M [Reg. Y]	12 CFR Part 323, Subpart B	12 CFR Part 34, Subpart H	12 CFR Part 323, Subpart B	
Credit Risk Retention	12 CFR Part 43	12 CFR Part 244 [Reg. RR]	12 CFR Part 373	12 CFR Part 43	12 CFR Part 373	12 CFR Part 244 [Reg. RR] ----- 12 CFR Part 244 [Reg. RR]
Frequency of Safety and Soundness Examination	12 CFR 4.6-.7	12 CFR Part 208.64 [Reg. H]	12 CFR 337.12	12 CFR 4.6 (See also: 12 CFR 163.170)	12 CFR 337.12	
Liquidity Risk	12 CFR Part 50	12 CFR Part 249 [Reg. WW]	12 CFR Part 329	12 CFR Part 50	12 CFR Part 329	12 CFR Part 249 [Reg. WW] ----- 12 CFR Part 249 [Reg. WW]

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Appraisals: Appraiser Independence		12 CFR Part 226.42; 12 CFR Part 226, Supp. I [Reg. Z]	12 CFR Part 1026 [Reg. Z]			12 CFR Part 226.42; 12 CFR Part 226, Supp. I [Reg. Z] ----- 12 CFR Part 226.42; 12 CFR Part 226, Supp. I [Reg. Z]
Definitions related to the Financial Stability Oversight Council						12 CFR Part 242 [Reg. PP]
Enhanced Prudential Standards Risk Committee Requirement (for certain BHCs) Standards for BHCs with consolidated assets \$50 billion or more and less than \$100B						12 CFR Part 252, Subpart C [Reg. YY] ----- 12 CFR Part 238, Subpart M [Reg. LL]
Enhanced Prudential Standards Risk Committee Requirement (for certain BHCs) Standards for BHCs with consolidated assets \$100 billion or more						12 CFR Part 252.33 [Reg. YY] ----- 12 CFR Part 238.122 [Reg. LL]
Extensions of Credit by Federal Reserve Banks	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	
Financial Market Utilities		12 CFR Part 234 [Reg. HH]				
Limitations on Interbank Liabilities	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	
Securities Holding Companies						12 CFR Part 241 [Reg. OO]

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Single Counterparty Credit Limit						12 CFR Part 252, Subparts H and Q [Reg. YY]
FDIC Regulations						
Annual Independent Audits and Reporting Requirements	12 CFR Part 363	12 CFR Part 363	12 CFR Part 363	12 CFR Part 363;	12 CFR Part 363	
Unsafe and Unsound Banking Practices (Standby Letters of Credit)			12 CFR 337.2			
Unsafe and Unsound Banking Practices (Brokered Deposits)	12 CFR 337.6	12 CFR 337.6	12 CFR 337.6	12 CFR 337.6	12 CFR 337.6	
12. Securities						
Interagency Regulations						
Banks as Registered Clearing Agencies	12 CFR 19.135	12 CFR Part 208.32-33 [Reg. H]	12 CFR Part 308, Subpart S			
Banks as Securities Transfer Agents	12 CFR 9.20	12 CFR Part 208.31 [Reg. H]	12 CFR Part 341			
Government Securities Sales Practices	12 CFR Part 13	12 CFR Part 208.37 [Reg. H]	12 CFR Part 368			
Recordkeeping and Confirmation of Securities Transactions Effected by Banks	12 CFR Part 12	12 CFR Part 208.34 [Reg. H]	12 CFR Part 344	12 CFR Part 151	12 CFR Part 344	
Reporting Requirements for Reported Securities Under the Securities Exchange Act of 1934	12 CFR Part 11	12 CFR Part 208.36 [Reg. H]	12 CFR Part 335	12 CFR Part 11	12 CFR Part 335; 12 CFR Part 390, Subpart Q; 12 CFR Part 390, Subpart W	
Securities Offerings	12 CFR Part 16		12 CFR Part 335	12 CFR Part 16	12 CFR Part 335; 12 CFR Part 390, Subpart Q; 12 CFR Part 390, Subpart W	
OCC Regulations						
Municipal Securities Dealer Activities of Banks	12 CFR Part 10			12 CFR Part 10		

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Federal Savings Associations Proxies				12 CFR Part 169	12 CFR Part 169	
Federal Savings Associations Rules on the Issuance and Sale of Institution Securities				12 CFR 163.5; 12 CFR Part 163, Subpart C		
Board Regulations						
Credit by Banks and Persons Other than Brokers or Dealers for the Purpose of Purchasing or Carrying Margin Stock	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U] ----- 12 CFR Part 221 [Reg. U]

Michael J. Hsu,

Acting Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on January 16, 2024.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024-02016 Filed 2-5-24; 8:45 am]

BILLING CODE 4810-33-; 6210-01; 6714-01-C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-0218; Project Identifier AD-2023-00779-T]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company 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 all The Boeing Company Model 787-8, 787-9, and 787-10 airplanes. This proposed AD was prompted by a determination that the flight deck door decompression panel can strike the captain's seat headrest if a flight deck decompression event occurs when the seat is in a certain position. This proposed AD would require, for certain airplanes, replacing the affected captain's seat assembly. This proposed AD would also prohibit the installation of affected parts. 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 March 22, 2024.

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

- *Federal eRulemaking Portal:* Go to [regulations.gov](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-2024-0218; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; website myboeingfleet.com.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA-2024-0218.

FOR FURTHER INFORMATION CONTACT:

Nicole S. Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3959; email Nicole.S.Tsang@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 **ADDRESSES**. Include "Docket No. FAA-2024-0218; Project Identifier AD-2023-00779-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 Nicole S. Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3959; email Nicole.S.Tsang@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The flight deck door decompression panel opens forward if a flight deck decompression event occurs. The FAA previously certificated flight deck doors to include this functionality. The FAA has since determined that the decompression panel could strike the captain's head or face if the seat is in the aft track position with full recline and full seat pan tilt during a flight deck decompression event. The captain's seat headrest is in the path of the decompression panel when the seat is in the aft track position with full recline and full seat pan tilt. The decompression panel opens in approximately 20 to 50 milliseconds and can strike the captain's seat headrest. The FAA is issuing this AD to address the possibility that the decompression panel could strike the captain's head or face. The unsafe condition, if not addressed, could result in serious or potentially fatal injury to the captain after a flight deck decompression event.

FAA's Determination

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

Related Service Information Under 14 CFR Part 51

The FAA reviewed Boeing Special Attention Requirements Bulletin B787-81205-SB250294-00 RB, Issue 001, dated June 14, 2023. This service

information specifies procedures for replacing the affected captain's seat assembly part number (P/N) S632Z301-21 (Ipeco P/N 3A380-0007-01-7) with captain's seat assembly P/N S632Z301-31 (Ipeco P/N 3A380-0007-01-8).

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Proposed AD Requirements in This NPRM

For airplanes with affected captain's seat assemblies, this proposed AD would require accomplishing the actions specified in the service information already described, except as discussed under "Difference Between this Proposed AD and the Service Information," and except for any differences identified as exceptions in the regulatory text of this proposed AD. This proposed AD would also prohibit the installation of affected captain's flight deck seats. For information on the procedures and compliance times, see this service information at *regulations.gov* under Docket No. FAA-2024-0218.

Related Rulemaking

AD 2016-19-04, Amendment 18653 (81 FR 65857, September 26, 2016) (AD 2016-19-04), requires repetitive inspections of the captain's and first officer's seat assemblies on Model 787-8 airplanes, and eventual installation of new seat assemblies, which terminates the repetitive tests. AD 2016-19-04 was prompted by uncommanded movement by a captain's seat during a landing rollout due to a failure in the seat horizontal actuator. Since that AD was issued, the FAA learned of the possibility of the decompression panel striking the captain's head or face when the seat is in the aft track position with full recline and full seat pan tilt during a flight deck decompression event. A new captain's seat assembly was developed with reduced seat recline and seat pan tilt adjustment ranges that preclude interference from the flight deck door decompression panel that could open when the seat is in aft seat track positions. Although AD 2016-19-04 affects both the captain's and first officer's seats, this proposed AD would require replacing only the captain's seat assembly with the new seat assembly, which would terminate the requirement to replace the captain's seat assembly of AD 2016-19-04.

Difference Between This Proposed AD and the Service Information

The effectivity of Boeing Special Attention Requirements Bulletin B787-81205-SB250294-00 RB, Issue 001, dated June 14, 2023, is limited to Model 787-8, 787-9, and 787-10 airplanes having certain line numbers. However, the applicability of this proposed AD includes all Boeing Model 787-8, 787-9, and 787-10 airplanes. The captain's seat assembly, Boeing part number (P/N) S632Z301-21 (Ipeco P/N 3A380-0007-01-7), is a rotatable part, so the FAA has determined that these parts could later be installed on airplanes that were initially delivered with acceptable seat assemblies, thereby subjecting those airplanes to the unsafe condition. The FAA has confirmed that the Accomplishment Instructions in Boeing Special Attention Requirements Bulletin B787-81205-SB250294-00 RB, Issue 001, dated June 14, 2023, are applicable to the expanded group of airplanes.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 155 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement	Up to 3 work-hours × \$85 per hour = \$255	\$1,335	Up to \$1,590	Up to \$246,450.

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:

The Boeing Company: Docket No. FAA-2024-0218; Project Identifier AD-2023-00779-T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 22, 2024.

(b) Affected ADs

This AD affects AD 2016–19–04, Amendment 18653 (81 FR 65857, September 26, 2016) (AD 2016–19–04).

(c) Applicability

This AD applies to all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by a determination that the flight deck door decompression panel can strike the captain's seat headrest if a flight deck decompression event occurs when the seat is in a certain position. The FAA is issuing this AD to address the possibility that the decompression panel could strike the captain's head or face. The unsafe condition, if not addressed, could result in serious or potentially fatal injury to the captain after a flight deck decompression event.

(f) Compliance

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

(g) Required Actions

For airplanes with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD, with a seat assembly having Boeing part number S632Z301–21 (Ipeco part number 3A380–0007–01–7) installed on the captain's side: Except as specified by paragraph (h) of this AD, at the applicable times specified in the "Compliance" paragraph of Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Special Attention Service Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, which is referred to in Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023.

(h) Exceptions to Service Information Specifications

(1) Where the Boeing Recommended Compliance Time column of the table in the "Compliance" paragraph of Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, uses the phrase "the Issue 001 date of Requirements Bulletin B787–81205–

SB250294–00 RB," this AD requires using "the effective date of this AD."

(2) Where Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, specifies replacement with captain's seat assemblies having P/N S632Z301–31 (Ipeco P/N 3A380–0007–01–8), this AD requires installing that part number or a later-approved part number. Later-approved part numbers are only those that are approved as a replacement for the applicable captain's seat assembly, and are approved as part of the type design by the FAA or The Boeing Company Organization Designation Authorization (ODA) after June 14, 2023 (the issuance date of Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001).

(i) Terminating Action for Certain Requirements of AD 2016–19–04

Replacement of the captain's seat assembly as required by paragraph (g) of this AD terminates the requirements of paragraph (h)(1) of AD 2016–19–04, for that captain's seat assembly only.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install a captain's seat assembly, Boeing part number (P/N) S632Z301–21 (Ipeco P/N 3A380–0007–01–7), on any airplane.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(l) Related Information

For more information about this AD, contact Nicole S. Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3959; email Nicole.S.Tsang@faa.gov.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

(4) You may view this service information 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 January 29, 2024.

Victor Wicklund,

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

[FR Doc. 2024–02059 Filed 2–5–24; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION**17 CFR Part 39**

RIN 3038–AF39

Protection of Clearing Member Funds Held by Derivatives Clearing Organizations

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: On January 3, 2024, the Commodity Futures Trading Commission (Commission) published, in the **Federal Register**, a notice of proposed rulemaking (NPRM) titled Protection of Clearing Member Funds Held by Derivatives Clearing Organizations. The comment period for the NPRM was to close on February 16, 2024. The Commission is extending the comment period for this NPRM by an additional 31 days.

DATES: The comment period for the NPRM titled Protection of Clearing Member Funds Held by Derivatives Clearing Organizations, published January 3, 2024 (89 FR 286), is

extended. Comments are due March 18, 2024.

ADDRESSES: You may submit comments, identified by RIN number 3038–AF39, by any of the following methods:

- *CFTC Comments Portal:* <https://comments.cftc.gov>. Select the “Submit Comments” link for this rulemaking and follow the instructions on the Public Comment Form.

- *Mail:* Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- *Hand Delivery/Courier:* Follow the same instructions as for Mail, above.

Please submit your comments using only one of these methods. Submissions through the CFTC Comments Portal are encouraged.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://comments.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission’s regulations.¹

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse, or remove any or all of your submission from <https://comments.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Eileen A. Donovan, Deputy Director, (202) 418–5096, edonovan@cftc.gov; August A. Imholtz III, Special Counsel, (202) 418–5140, aimholtz@cftc.gov; or Gavin Young, Special Counsel, (202) 418–5976, gyoung@cftc.gov; Division of Clearing and Risk, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; or Theodore Z. Polley III, Associate Director, (312) 596–0551, tpolley@cftc.gov; Division of Clearing and Risk, Commodity Futures

Trading Commission, 77 West Jackson Boulevard, Suite 800, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: On January 3, 2024, the Commission published in the **Federal Register** an NPRM proposing amendments to its regulations that would ensure clearing member funds and assets receive the proper treatment in the event the derivatives clearing organization (DCO) enters bankruptcy by requiring, among other things, that clearing member funds be segregated from the DCO’s own funds and held in a depository that acknowledges in writing that the funds belong to clearing members, not the DCO.² In addition, the Commission also proposed to permit DCOs to hold customer and clearing member funds at foreign central banks subject to certain requirements. Finally, the Commission proposed to require DCOs to conduct a daily calculation and reconciliation of the amount of funds owed to customers and clearing members and the amount actually held for customers and clearing members. The comment period for the NPRM was to close on February 16, 2024. In response to a request by commenters, the Commission is extending the comment period for this NPRM by an additional 31 days.³ This extension of the comment period will allow interested persons additional time to analyze the proposal and prepare their comments.

Issued in Washington, DC, on January 31, 2024, by the Commission.

Robert Sidman,

Deputy Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Protection of Clearing Member Funds Held by Derivatives Clearing Organizations—Commission Voting Summary

On this matter, Chairman Behnam and Commissioners Johnson, Goldsmith Romero, Mersinger, and Pham voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2024–02234 Filed 2–5–24; 8:45 am]

BILLING CODE 6351–01–P

² Protection of Clearing Member Funds Held by Derivatives Clearing Organizations, 89 FR 286 (January 3, 2024).

³ Letter from Teo Floor, Chief Executive Officer, The Global Association of Central Counterparties, dated January 11, 2024. Available at <https://comments.cftc.gov/PublicComments/ViewComment.aspx?id=73229>. The requested extension was 30 days. The Commission is extending the comment period by 31 days to avoid having the extended closing date fall on a weekend.

SELECTIVE SERVICE SYSTEM

32 CFR Part 1662

RIN 3240–AA03

Freedom of Information Act Regulations

AGENCY: United States Selective Service System.

ACTION: Proposed rule.

SUMMARY: The Selective Service System (SSS) proposes the following revisions to its Freedom of Information Act (FOIA) regulations to meet the requirements set forth in the Electronic Freedom of Information Act Amendments of 1996 (E–FOIA); the Openness Promotes Effectiveness requirement in the National Government Act of 2007 (the OPEN Government Act); and the FOIA Improvement Act of 2016 (FOIA Improvement Act). This proposed rule comprehensively updates the Agency’s FOIA regulations.

DATES: Comments must be received 60 days from publication date.

ADDRESSES: You may submit comments identified by docket number and/or Regulatory Information Number (RIN) number and title by email to federalregisterliaison@sss.gov, or by mail to: Selective Service System, **Federal Register Liaison**, 1501 Wilson Boulevard, Suite 700, Arlington, VA 22209.

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: Mr. Daniel A. Lauretano, Sr., General Counsel, 703–605–4012, dlauretano@sss.gov.

SUPPLEMENTARY INFORMATION:

I. Background & Legal Basis for This Rule

A. The Housekeeping Statute

The Housekeeping Statute, 5 U.S.C. 301, authorizes agency heads to promulgate regulations governing “the custody, use, and preservation of its records, papers, and property.” The FOIA is a Federal statute that allows the public to request records from the Federal government. The FOIA provides

¹ 17 CFR 145.9.

that any person has a right, enforceable in court, to obtain access to Federal agency records subject to the FOIA, except to the extent that any portions of such records are protected from public disclosure by one of nine exemptions or other law. Additionally, under the FOIA, agencies must make records specified in 5 U.S.C. 552(a)(2) (e.g., instructional manuals issued to employees, general statements of policy, etc.) available for public inspection in an electronic format. The FOIA also statutorily requires Federal agencies to annually report on numerous and various metrics to the Department of Justice (DOJ).

Since the most recent update to 32 CFR part 1662, the E-FOIA, the OPEN Government Act, and the FOIA Improvement Act have been enacted. These laws provide guidance to agencies for the implementation of the FOIA requirements. This proposed rule updates and revises part 1662 consistent with these laws.

The revisions will better streamline the process for the Agency's FOIA policies and procedures. These updates are consistent with the Plain Writing Act of 2010 which requires Federal agencies to use clear communications that the public can understand and use. They underscore the FOIA guidelines issued by Attorney General Merrick Garland in his March 15, 2022, Memorandum for Heads of Executive Departments and Agencies. The Memorandum directs the heads of all executive branch departments and agencies to apply a presumption of openness in administering the FOIA, instructs agencies to remove barriers to access, and asks agencies to help requesters understand the FOIA process.

In the sections that follow, SSS explains the requirements of the E-FOIA, the OPEN Government Act, and the FOIA Improvement Act. To visualize the proposed reorganization of part 1662, the Agency provides a table that identifies the old (existing) regulatory sections, the sections to which the content moved, and the names of the new sections. Following the table is a section-by-section summary wherein SSS identifies proposed changes to ensure compliance with the E-FOIA, the OPEN Government Act, and the FOIA Improvement Act. It also updates the SSS process for ease of understanding the Agency's FOIA policies and procedures.

B. The E-FOIA

The E-FOIA requires agencies to make certain types of records, created by the Agency on or after November 1,

1996, available electronically. It requires agencies to make available for public inspection, via an electronic reading room, "copies of all records, regardless of form or format that have been released to any person [under the FOIA] and which, because of the nature of their subject matter, the Agency determines have become or are likely to become the subject of subsequent requests for substantially the same records."

C. The OPEN Government Act

The OPEN Government Act amended the FOIA by providing new procedural and reporting requirements agencies must implement in their administration of the FOIA. It requires that (1) all FOIA requests that will take longer than ten days to process must be assigned an individualized tracking number and (2) agencies must provide requesters with a telephone line or internet service from which requesters can receive the status of their request(s).

The statute established the Office of Government Information Services (OGIS) within the National Archives and Records Administration that, among other duties, offers mediation services between FOIA requesters and Federal agencies as an alternative to litigation. It further directs agencies to designate a Chief FOIA Officer, who: (1) has responsibility for FOIA compliance; (2) monitors FOIA implementation; (3) makes recommendations to the Agency head concerning improvements to FOIA implementation; (4) reports to the Attorney General (through the Agency Head), as requested, on the Agency's FOIA implementation; (5) facilitates public understanding of the purposes of FOIA's statutory exemptions; and (6) designates one or more FOIA Public Liaisons. The FOIA Public Liaison serves as an official to whom a FOIA requester can raise concerns about service and is responsible for assisting in reducing delays in FOIA request processing, helping resolve disputes, and helping requesters understand the status of their requests.

The OPEN Government Act also revised annual reporting obligations, mandating reports on agency compliance with the FOIA to include information on: (1) FOIA denials based upon particular statutes; (2) response times; and (3) compliance by the agency and by each principal component thereof.

Regarding FOIA request processing, the OPEN Government Act: (1) modifies and specifies the time limits for an agency to determine whether to comply with a FOIA request; (2) establishes limitations on the circumstances under

which the statutory time period may be "tolled"; and (3) prohibits an agency from assessing search or duplication fees under the FOIA if it fails to comply with time limits, provided that no unusual or exceptional circumstances apply.

Lastly, the OPEN Government Act provides for the definition of "representative of the news media" and amends the definition of "record" to include any information maintained by an agency contractor "for the purposes of record management."

The changes to part 1662 in this proposed rule conform with the requirements of the OPEN Government Act as follows:

- Sections 1662.1 and 1662.2 introduce and provide information on the services of the FOIA Public Liaison and OGIS;
- Section 1662.2 defines "representative of the news media" and adds new terms such as the FOIA Public Liaison, OGIS, and Chief FOIA Officer; and
- Section 1662.11 updates and clarifies the following business practices: (1) the Chief FOIA Officer's acknowledgment of FOIA requests; (2) when a request is considered perfected; (3) multi-tracking procedures; (4) unusual circumstances; and (5) tolling of the 20-business-day statutory time period.

D. The FOIA Improvement Act

The FOIA Improvement Act took effect on June 30, 2016, and applies to any FOIA request made after the date of enactment. Its intent is to improve Agency transparency and responsiveness in processing FOIA requests.

The statute codifies the "foreseeable harm" standard, establishing that agencies may only withhold information if the Agency reasonably foresees that disclosure would harm an interest protected by a statutory exemption, or if disclosure is prohibited by existing law. Unless the record is prohibited from disclosure by law, asserting a FOIA exemption alone is not sufficient; an agency must also determine that release of the record would cause foreseeable harm to others/interests protected under the exemption.

The FOIA Improvement Act also imposes numerous administrative and procedural requirements upon Federal agencies. It adds new elements to the annual reports that capture the number of record denials and the number of records of general interest or use to the public that are made available for public inspection. It also creates new duties for the Chief FOIA Officer, requiring the

Chief FOIA Officer to (1) serve as the primary liaison between OGIS and the Office of Information Policy at DOJ and (2) offer training to staff regarding their FOIA responsibilities. It also creates a council of Chief FOIA Officers whose purpose is to improve an agency's administration of the FOIA. Within the Agency's proposed revisions to part 1662, it is not addressing the additional reporting requirements provided in the FOIA Improvement Act, as they do not affect its day-to-day administration of the FOIA.

This law also requires agencies to offer the services of the FOIA Public Liaison and OGIS in all decision letters. It further increases the time for appeals, now allowing requesters at least 90 days to file an administrative appeal of an adverse determination. Additionally, it codifies the "rule of three," which requires agencies to make available for public inspection, in an electronic format, records that are of general interest or have been requested three or more times and released to any person.

Further, it prohibits an agency from charging search and/or duplication fees under the FOIA for providing records if the agency misses a deadline for complying with a FOIA request, unless unusual circumstances exist, and the agency takes certain action to notify the requester. Additionally, it amends one of the privileges recognized under the FOIA Exemption 5, the deliberative process privilege, by providing that this privilege cannot be applied to records that are 25 years or older at the time of the FOIA request.

Finally, the FOIA Improvement Act requires the head of each agency to (1) review agency regulations and issue regulations on procedures for disclosure of records in accordance with the amendments made by the bill and (2) include in such regulations procedures for engaging in dispute resolution through the FOIA Public Liaison and OGIS.

The changes to part 1662 in this Proposed Rule conform with the requirements of the FOIA Improvement Act as follows:

- Sections 1662.1 and 1662.15 address the FOIA Public Liaison and OGIS;
- Sections 1662.3(a) and 1662.11(k) add the foreseeable harm standard;
- Section 1662.13 clarifies the agency's fee charging rules, including when unusual circumstances apply;
- Section 1662.16 updates the appeal timeframe to 90 days (from 30 days);
- Section 1662.22(a) states that the deliberative process privilege does not apply to records that are 25 years or

older at the time of the FOIA request; and

- Section 1662.26 sets forth that records requested three or more times will be publicly posted.

II. The FOIA Process at SSS

The revised regulations at 32 CFR part 1662 ensure the SSS FOIA program is easier for the public to navigate.

Under current procedures, the Chief FOIA Officer conducts a thorough review to ensure proper disclosure. The Agency's Chief FOIA Officer makes the final determination on the release of records in response to initial requests and the Director of Selective Service is designated the final authority on appeal determinations. SSS also makes available for public inspection, in an electronic format, records that have been requested and released three or more times and other specified records described in revised § 1662.26, available at www.sss.gov/foia.

III. Section-by-Section Changes

32 CFR 1662.1

The Agency is revising this section in its entirety, including the heading. The heading has been changed from "§ 1662.1. Applicability of this part" to "§ 1662.1. Scope and purpose of this part." The current section states: "The provisions of this part prescribe the procedures for requests for information under 5 U.S.C. 552, as amended (Freedom of Information Act)." The proposed section provides readers a roadmap of the contents of part 1662; sets forth FOIA's mandate to provide records unless exemptions apply; and the requirement to make certain records available for public inspection. This section introduces the services of the FOIA Public Liaison and OGIS. Proposed paragraph (c) states that nothing in part 1662 supersedes the information located in parts 1660 and 1665 of the Agency's regulations.

32 CFR 1662.2

The Agency is revising this section in its entirety, including the heading, which will change from "§ 1662.2. Procedure for requesting information" to "§ 1662.2. Definitions." The definitions contained in this section derive from the FOIA, the E-FOIA, the Open Government Act, and the FOIA Improvement Act. The definitions explain two new positions and one new entity created by the OPEN Government Act: Chief FOIA Officer, FOIA Public Liaison, and OGIS. The OPEN Government Act also amends the definition of "records" and provides for the definition of "representative of the

news media"; therefore, both items are addressed within this revised section. To promote openness in government, SSS is including definitions of terms used regularly in the administration of the FOIA. In addition to the aforementioned definitions, the terms included in this section are commercial interest; component; expedited processing; exemption; fee category; fee waiver; FOIA request; non-commercial scientific institution; online FOIA portal; other requester; production; reading room; redact; special services; submitter; tolling; and trade secrets and commercial or financial information.

32 CFR 1662.3

The Agency is revising this section in its entirety, including the heading, which will change from "§ 1662.3. Identification of information requested" to "§ 1662.3. SSS's FOIA policy." Paragraph (a) of this section provides language acknowledging the Agency's presumption of openness, meaning that SSS will withhold information only if disclosure would cause foreseeable harm, as codified in the FOIA Improvement Act, or if the disclosure is prohibited by law.

Paragraphs (b) and (c) advise the public where they may find information about the Chief FOIA Officer's authority to release and withhold records and records that are available for public inspection. However, the FOIA does not require the Agency to give opinions, conduct research, answer questions, nor create records in the administration of the FOIA, which is set forth in paragraph (d).

32 CFR 1662.4

The Agency is revising this section in its entirety, including the heading, which will change from "§ 1662.4. Consideration of request for information" to "§ 1662.4. Relationship between the FOIA and the Privacy Act of 1974." This revises and moves language from current § 1662.6(b)(4), which states that requests for records contained within a system of records will be handled under the Privacy Act of 1974, and that under such search, only fees for reproduction costs may be charged. The proposed section adds a notification for the public that requests for their own records will be handled under the Privacy Act of 1974 and the FOIA.

32 CFR 1662.5

The Agency is revising this section in its entirety, including the heading, which is changing from "§ 1662.5. Inspection, copying, and obtaining copies" to "§ 1662.5. Who can file a

FOIA request?” This section clearly identifies who can file a FOIA request.

32 CFR 1662.6

The Agency is revising this section in its entirety, including the heading, which will change from “§ 1662.6. Fee schedule; waiver of fees” to “§ 1662.6. Requirements of a FOIA request.” Current § 1662.3 states that a FOIA requester “shall provide a reasonably specific description of the information sought.. [and i]f the description is not sufficient, the records manager will notify the requester and, to the extent possible, indicate the additional information required.” This new section provides a list of criteria that must be met for a request to be considered a FOIA request, and thus subject to the rules discussed in this part. This section will help requesters “perfect” their request on first attempt, which will help streamline the FOIA process.

32 CFR 1662.7

This is a new section with the heading “§ 1662.7. Where to submit a FOIA request.” Currently § 1662.2 does not provide information on how and where to submit a FOIA request via mail, email, or Agency website. This new section eliminates the title “Records Manager” and replaces it with “FOIA Officer.” It sets forth options to submit requests by mail, via email, or online.

32 CFR 1662.8

This is a new section with the heading “§ 1662.8. Requests not processed under the FOIA.” It states that the Agency will not process the following FOIA requests for records that are: (a) publicly available; (b) distributed through a public information campaign (e.g., leaflets); and (c) earnings records. Paragraph (d) states that the Agency will not process a FOIA request that fails to meet the requirements set forth in proposed § 1662.21. The Chief FOIA Officer will provide instructions and/or request additional information so that the request adheres to the requirements of proposed § 1662.21.

32 CFR 1662.9

This is a new section with the heading “§ 1662.9. Chief FOIA Officer’s authority.” It states that the Chief FOIA Officer is authorized to make determinations about: (a) the release or withholding of records; (b) expedited processing; (c) charging or waiver of fees; and (d) other matters related to the processing of FOIA requests. It clarifies that the Chief FOIA Officer’s determination is provided in writing and, if the requester disagrees with the

Chief FOIA Officer’s determination, the requester may appeal to the Director of Selective Service as described in proposed § 1662.16.

32 CFR 1662.10

This is a new section with the heading “§ 1662.10. Responsibility for Responding to Requests.” It describes situations where records subject to a FOIA request were created/provided by another agency. When making a referral to another Federal agency, the Chief FOIA Officer will ask the other agency to process the request or portion of the request for records that originated with that agency. Paragraphs (a)(2), (b), and (c) explain how SSS handles records that originated with another agency when that other agency is not subject to the FOIA (paragraph (a)(2)); when the Chief FOIA Officer will advise a requester to submit their request to another agency (paragraph (b)); and the Chief FOIA Officer’s consultations with another entity (paragraph (c)).

32 CFR 1662.11

This is a new section with the heading “§ 1662.11. How does SSS process FOIA requests?” It is comprised of paragraphs (a) through (j) that capture the following: the Agency’s acknowledgment of FOIA requests; when a request is considered “perfected”; where to find information in the regulations concerning expedited processing; the Agency’s multi-tracking procedures; what constitutes unusual circumstances; the Agency’s ability to aggregate requests; fee information that is discussed in proposed § 1662.13; the Chief FOIA Officer’s ability to stop or “toll” the 20 business day statutory period; records retrieval information; unproductive searches; furnishing records; handling and release of records under the FOIA exemptions; and burdensome requests, wherein the Agency explains that SSS will not process a request when doing so would be unduly burdensome on the Agency.

32 CFR 1662.12

This is a new section with the heading “§ 1662.12. Expedited processing,” which sets forth the “compelling need” criteria. The Chief FOIA Officer decides to grant or deny expedited processing by applying the criteria. Denials may be appealed to the Director of Selective Service under the process set forth in proposed § 1662.16.

32 CFR 1662.13

This is a new section with the heading “§ 1662.13. Fees associated with processing FOIA requests.” This section revises existing (old) § 1662.6 to

make the processes and procedures easier for the public to understand. This section includes search, duplication, and review fees; restrictions on charging fees; requirement to provide notice when fees are anticipated to be in excess of \$25.00; charges for other services; charging interest on unpaid bills; aggregating requests; advance payments; and requirements for a waiver or reduction of fees.

32 CFR 1662.14

This is a new section with the heading “§ 1662.14. Release of records.” This section clarifies the Agency’s rules concerning records previously released; advises the public of the Agency’s FOIA electronic reading room; and sets forth the procedures when only poor-quality copies of a record are available.

32 CFR 1662.15

This is a new section with the heading “§ 1662.15. FOIA Public Liaison and Office of Government Information Services,” which provides requesters with information on how to seek the services of the FOIA Public Liaison and OGIS.

32 CFR 1662.16

This is a new section with the heading “§ 1662.16. Appeals of the Chief FOIA Officer’s determination.” The SSS revisions update the information located in the existing regulation at § 1662.4(b) in newly created paragraphs (a) through (e). Paragraph (a) sets the appeal period at 90 days and clarifies that the Director of Selective Service makes final appeal determinations. Under paragraph (b), the Agency is adding language concerning the SSS’s acknowledgement of appeals and paragraph (c) provides clarifying information concerning how long the Agency generally takes to process appeals. Under paragraph (d), SSS includes additional information explaining that the Director of Selective Service makes final appeal determinations. Finally, paragraph (e) advises requesters of their right to seek review in a U.S. District Court if they disagree with the appeal determination.

32 CFR 1662.17

This is a new section with the heading “§ 1662.17. U.S. District Court Action.” It states that if requesters disagree with the Director of Selective Service’s decision, they may ask a U.S. District Court to review the decision.

32 CFR 1662.18

This is a new section with the heading “§ 1662.18. The FOIA Exemption 1: National defense and

foreign policy,” which codifies the FOIA Exemption 1 in the Agency’s regulations.

32 CFR 1662.19

This is a new section with the heading “§ 1662.19. The FOIA Exemption 2: Internal personnel rules and practices,” which codifies the FOIA Exemption 2 in the Agency’s regulations.

32 CFR 1662.20

This is a new section with the heading “§ 1662.20. The FOIA Exemption 3: Records exempted by other statutes,” which codifies the FOIA Exemption 3 in the Agency’s regulations.

32 CFR 1662.21

This is a new section with the heading “§ 1662.21. The FOIA Exemption 4: Trade secrets and confidential commercial or financial information,” which codifies the FOIA Exemption 4 in the Agency’s regulations. It sets forth the procedures under which a submitter may challenge release of information they believe to be exempt from disclosure under this exemption. This section includes information regarding the submitter’s notice; submitter’s opportunity to object to disclosure; notice of intent to disclose; notice of FOIA lawsuit; and requester notification.

32 CFR 1662.22

This is a new section with the heading “§ 1662.22. The FOIA Exemption 5: Internal documents,” which codifies the FOIA Exemption 5 in the Agency’s regulations. It includes the deliberative process privilege; attorney work product privilege; attorney-client privilege; and the 25-year sunset on records otherwise exempt under the deliberative process privilege.

32 CFR 1662.23

This is a new section with the heading “§ 1662.23. The FOIA Exemption 6: Clearly unwarranted invasion of personal privacy,” which codifies the FOIA Exemption 6 in the Agency’s regulations. Paragraph (a) sets forth the balancing test for when the Chief FOIA Officer must decide whether to release records that contain personal or private information. The Chief FOIA Officer must weigh the foreseeable harm of invading a person’s privacy against the public interest in disclosure. Paragraph (b) notifies requesters that the Chief FOIA Officer will not disclose information regarding employee(s) contact information and/or duty station

if the disclosure places employee(s) at risk of injury or other harm.

32 CFR 1662.24

This is a new section with the heading “§ 1662.24. The FOIA Exemption 7: Law enforcement,” which codifies the FOIA Exemption 7 in the Agency’s regulations.

32 CFR 1662.25

This is a new section with the heading “§ 1662.25. The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells,” which codifies the FOIA Exemptions 8 and 9 in the Agency’s regulations.

32 CFR 1662.26

This is a new section with the heading “§ 1662.26. Records available for public inspection,” which lists the records SSS is required to make available for public inspection in electronic format.

32 CFR 1662.27

This is a new section with the heading “§ 1662.27. Where records are published,” which sets forth the acceptable methods of publication of records pursuant to the provisions of 5 U.S.C. 552(a)(1) and (a)(2).

32 CFR 1662.28

This is a new section with the heading “§ 1662.28. Publications for sale through the Government Publishing Office.” These publications include, but are not limited to, the Military Selective Service Act, SSS regulations, Legal Aspects of the Selective Service System, and **Federal Register** issues.

IV. Regulatory Procedures

A. Expected Impact of the Proposed Rule

The Agency does not anticipate any additional costs associated with promulgations of the regulations contained herein.

The Agency anticipates qualitative benefits from the proposed revisions to the FOIA regulations from streamlined and codified FOIA policies and procedures. SSS expects the codified regulations will benefit both the Agency and the public because the administration of the FOIA will be better organized and user friendly for requesters. The purpose of the FOIA is to provide the public with access to government records, and administrative transparency is paramount to a successful FOIA program. Clear policies generate efficient and effective processing of FOIA requests.

B. Executive Order (E.O.) 12866, “Regulatory Planning and Review,” E.O. 13563, Improving Regulation and Regulatory Review,” and Congressional Review Act (5 U.S.C. 801–08)

E.O.s 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Following the requirements of these E.O.s, the Office of Management and Budget (OMB) has determined that this proposed rule is not a significant regulatory action under section 3(f) of E.O. 12866 nor a “major rule” as defined by 5 U.S.C. 804(2).

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

SSS certifies that this proposed rule is not subject to the Regulatory Flexibility Act, 5 U.S.C. 601, because it would not have a significant economic impact on a substantial number of small entities. Therefore, the Regulatory Flexibility Act, as amended, does not require SSS to prepare a regulatory flexibility analysis.

D. Section 202 of Public Law 104–4, “Unfunded Mandates Reform Act” (2 U.S.C. 1532)

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require the expenditure of \$100 million or more (in 1995 dollars, adjusted annually for inflation) in any one year. This proposed rule will not mandate any requirements for state, local, or tribal governments, nor will it affect private sector costs.

E. Public Law 96–511, “Paperwork Reduction Act” (44 U.S.C. Chapter 35)

It has been determined that 32 CFR part 1660 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act.

F. E.O. 13132, “Federalism”

E.O. 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. This proposed rule will

not have a substantial effect on state and local governments.

G. E.O. 11623, Delegation of Authority & Coordination Requirements

In E.O. 11623, the President delegated to the Director of Selective Service the authority to prescribe the necessary rules and regulations to carry out the provisions of the Military Selective Service Act. In carrying out the provisions of E.O. 11623, as amended by E.O. 13286, the Director shall request the views of the Secretary of Defense; the Attorney General; the Secretary of Labor; the Secretary of Health, Education, and Welfare; the Secretary of Homeland Security (when the Coast Guard is serving under the Department of Homeland Security); the Director of the Office of Emergency Preparedness; and the Chairman of the National Selective Service Appeal Board with regard to such proposed rule or regulation, and shall allow not less than 10 days for the submission of such views before publication of the proposed rule or regulation. On January 24, 2024, SSS completed its coordination requirements, and the Director certifies that he has requested the views of the officials required to be consulted pursuant to subsection (a) of E.O. 11623, considered those views and as appropriate incorporated those views in these regulations, and that none of these officials has requested that the matter be referred to the President for decision.

These proposed regulations were reviewed and approved by Joel C. Spangenberg, Acting Director of Selective Service.

List of Subjects in 32 CFR Part 1662

Freedom of information.

■ For the reasons stated in the preamble, the Selective Service System proposes to revise 32 CFR part 1662 to read as follows:

PART 1662—FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES

Sec.

- 1662.1 Scope and purpose of this part.
- 1662.2 Definitions.
- 1662.3 SSS's FOIA policy.
- 1662.4 Relationship between the FOIA and the Privacy Act of 1974.
- 1662.5 Who can file a FOIA request?
- 1662.6 Requirements of a FOIA request.
- 1662.7 Where to submit a FOIA request.
- 1662.8 Requests not processed under the FOIA.
- 1662.9 Chief FOIA Officer's authority.
- 1662.10 Responsibility for responding to requests.
- 1662.11 How does SSS process FOIA requests?

- 1662.12 Expedited processing.
- 1662.13 Fees associated with processing FOIA requests.
- 1662.14 Release of records.
- 1662.15 FOIA Public Liaison and the Office of Government Information Services.
- 1662.16 Appeals of the Chief FOIA Officer's determination.
- 1662.17 U.S. District Court action.
- 1662.18 The FOIA Exemption 1: National defense and foreign policy.
- 1662.19 The FOIA Exemption 2: Internal personnel rules and practices.
- 1662.20 The FOIA Exemption 3: Records exempted by other statutes.
- 1662.21 The FOIA Exemption 4: Trade secrets and confidential commercial or financial information.
- 1662.22 The FOIA Exemption 5: Internal documents.
- 1662.23 The FOIA Exemption 6: Clearly unwarranted invasion of personal privacy.
- 1662.24 The FOIA Exemption 7: Law enforcement.
- 1662.25 The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells.
- 1662.26 Records available for public inspection.
- 1662.27 Where records are published.
- 1662.28 Publications for sale through the Government Publishing Office.

Authority: 5 U.S.C. 301; 50 U.S.C. 3809; 5 U.S.C. 552 and 552a; 18 U.S.C. 1905; 31 U.S.C. 9701; & E.O. 11623, as amended by E.O. 13286, Feb 28, 2003.

§ 1662.1 Scope and purpose of this part.

(a) The purpose of this part is to describe the Selective Service System's (SSS) policies and procedures for implementing the requirements of the Freedom of Information Act (FOIA) as set forth at 5 U.S.C. 552. The FOIA mandates disclosure to the public of Federal agency records unless specific exemptions apply. The FOIA also requires an agency to proactively disclose records and make certain records available for public inspection.

(b) The rules in this part describe how SSS makes records available to the public, including:

- (1) What constitutes a proper request for records;
- (2) How to make a FOIA request;
- (3) Who has the authority to release and withhold records;
- (4) What fees may be charged to process a request for records;
- (5) The timing of determinations regarding release;
- (6) The exemptions that permit the withholding of records;
- (7) A requester's right to seek assistance from the FOIA Public Liaison;
- (8) A requester's right to appeal the Agency's FOIA determination;
- (9) A requester's right to seek assistance from the Office of

Government Information Services (OGIS) and then go to court if they still disagree with the Agency's release determination; and

(10) The records available for public inspection.

(c) The rules in this part do not revoke, modify, or supersede the SSS regulations relating to disclosure of information in parts 1660 or 1665 of this chapter.

§ 1662.2. Definitions.

As used in this part:

Agency means the Selective Service System. Agency may also refer to any executive department, military department, government corporation, government-controlled corporation, or other establishment in the executive branch of the Federal Government, or any independent regulatory agency. A private organization is not an agency even if it is performing work under contract with the Government or is receiving Federal financial assistance.

Chief FOIA Officer means a senior official of SSS who has an Agency-wide responsibility for ensuring efficient and appropriate compliance with the FOIA, monitoring implementation of the FOIA throughout SSS, and making recommendations to the Director of Selective Service to improve SSS's implementation of the FOIA. The Director of Selective Service designates a Chief FOIA Officer for the Agency. The Director of Selective Service makes final decisions in response to appeals of the Chief FOIA Officer's determinations.

Commercial interest includes interests relating to business, trade, and profit, as well as non-profit corporations, individuals, unions, and other associations. The interest of a representative of the news media in using the information for news dissemination purposes will not be considered a commercial interest.

Component consists of the Office of the Director, National Headquarters Directorates and Offices, Data Management Center, Region Offices, and all other organizational entities within SSS that may maintain Agency records subject to a request under the FOIA.

Duplication means the process of reproducing a copy of a record, or of the information contained in it, to the extent necessary to respond to a request. Copies include paper, electronic records, audiovisual materials, and other formats of Agency records.

Educational institution means a preschool, elementary or secondary school, institution of undergraduate or graduate higher education, or institution of professional or vocational education, which operates a program of scholarly

research. To qualify for this category, a requester must show that the FOIA request is authorized by, and is made under the auspices of, a qualifying institution and that the records are sought to further a scholarly research goal of the institution, and not for a commercial use or purpose, or for individual use or benefit.

Exemption means one of the nine exemptions to the mandatory disclosure of records permitted under section 552(b) of the FOIA.

Expedited processing means the process set forth in the FOIA that allows requesters to request faster processing of their FOIA request if they meet specific criteria noted in § 1662.12.

Fee category means one of the three categories established by the FOIA to determine whether a requester will be charged fees under FOIA for search, review, and duplication. The categories are: commercial use requests; non-commercial scientific or educational institutions and news media requests; and all other requests.

Fee waiver means the waiver or reduction of fees if a requester meets the requirements set forth in § 1662.13.

FOIA Officer means an SSS official whom the Director of Selective Service has delegated the authority to assist the Chief FOIA Officer in releasing or withholding records; assessing, waiving, or reducing fees in response to FOIA requests; and all other determinations regarding the processing of a FOIA request. In this capacity, the FOIA Officer is authorized to request and receive responsive records that may be maintained by other Agency components. Except for records subject to proactive disclosure pursuant to subsection (a)(2) of the FOIA, only the Chief FOIA Officer has the authority to release or withhold records or to waive fees in response to a FOIA request.

FOIA Public Liaison means an Agency official who reports to the Agency Chief FOIA Officer and serves as a supervisory official to whom a requester can raise concerns about the service the requester received concerning the processing of the FOIA request. This individual is responsible for increasing transparency in the Agency's FOIA business process, helping requesters understand the status of requests, and assisting in the resolution of disputes. The FOIA Public Liaison may be contacted via email at FOIA.Public.Liaison@sss.gov.

FOIA request means a written request that meets the criteria in § 1662.6.

Freedom of Information Act or *FOIA* means the law codified at 5 U.S.C. 552 that provides the public with the right

to request Agency records from Federal executive branch agencies.

News means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast news to the public at large and publishers of periodicals, including print and online publications that disseminate news and make their products available through a variety of means to the public. SSS does not consider FOIA requests for records that support the news dissemination function of the requester to be commercial use. SSS considers "freelance" journalists who demonstrate a solid basis for expecting publication through a news media entity as working for that entity. A publishing contract provides the clearest evidence that a journalist expects publication; however, SSS also considers a requester's past publication record.

Non-commercial scientific institution means an institution that does not further the commercial, trade, or profit interests of any person or entity and is operated for the purpose of conducting scientific research whose results are not intended to promote any particular product or industry.

Online FOIA portal means the electronic application that SSS uses to process FOIA requests. The public may also submit requests directly to SSS via the online [FOIA.gov](https://www.sss.gov)—Freedom of Information Act.

Other requester means any individual or organization whose FOIA request does not qualify as a commercial-use request, representative of the news media request (including a request made by a freelance journalist), or an educational or non-commercial scientific institution request.

Production means the process of preparing the records for duplication, including the time spent in preparing the records for duplication (i.e., materials used, records/database retrieval, employee, and contractor time, as well as systems processing time).

Reading room means an electronic location(s) that SSS uses to post records that are made available to the public without a specific request. SSS makes reading room records electronically available to the public through the SSS website, <https://www.sss.gov/>, including at <https://www.sss.gov/foia/>.

Record(s) means any information maintained by an Agency, regardless of format, that is made or received in connection with official Agency business that is under the Agency's control at the time of the FOIA request. Record(s) includes any information

maintained for an Agency by a third party. Record(s) does not include personal records of an employee, or other information in formally organized and officially designated SSS libraries and reading rooms, where such materials are available under the rules of the particular library.

Redact means delete or mark over.

Representative of the news media means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience.

Request means asking for records, whether or not the requester refers specifically to the FOIA. Requests from federal agencies, subpoenas, and court orders for documents are not included within this definition.

Review, unless otherwise specifically defined in this part, means examining records responsive to a request to determine whether any portions are exempt from disclosure. Review time includes processing a record for disclosure (i.e., doing all that is necessary to prepare the record for disclosure), including redacting the record and marking the appropriate FOIA exemptions. It does not include the process of resolving general legal or policy issues regarding exemptions.

Search means the process of identifying, locating, and retrieving records responsive to a request, whether in hard copy or in electronic form or format, or by manual or automated/electronic means.

Special services mean performing additional services outside of those required under the FOIA to respond to a request. Examples include using an overnight mail service to send the Agency's response to a FOIA request.

SSS means the Selective Service System.

Submitter means any person or entity that provides trade secrets or commercial or financial information to the Agency, and includes individuals, corporations, other organizational entities, and state and foreign governments.

Tolling means temporarily stopping the running of a time limit. SSS may toll a FOIA request to seek clarification from the requester or to address fee issues, as further described in § 1662.11.

Trade secrets and commercial or financial information means trade secrets and commercial or financial information that are confidential, and are obtained by the Agency from a submitter, such that it may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

§ 1662.3. SSS's FOIA policy.

(a) *Presumption of openness.* The Agency will withhold information only if the Chief FOIA Officer reasonably foresees that disclosure would harm an interest protected by a FOIA exemption or if disclosure is prohibited by law.

(b) *Authority to release and withhold records.* As described in § 1662.9, the Agency's Chief FOIA Officer has the authority to:

(1) Release or withhold records in response to initial requests;

(2) Grant or deny expedited processing; and

(3) Reduce or waive fees.

(c) *Records publicly available.* The Agency makes available for public inspection, in an electronic format, records that have been requested and released three or more times and other specified records described in § 1662.26.

(d) *Required record production.* The FOIA does not require an Agency to give opinions, conduct research, answer questions, or create records.

§ 1662.4. Relationship between the FOIA and the Privacy Act of 1974.

(a) *Coverage.* The FOIA and the rules in this part apply to all SSS records. The Privacy Act, 5 U.S.C. 552a, applies to records that are about individuals, but only if the records are in a system of records.

(b) *Requesting your own records.* If you have filed a FOIA request and are an individual requesting your own records that are maintained in a system of records, or if you are a parent or legal guardian authorized to act on behalf of a minor or custodian who is seeking the records about a minor or individual who has been declared incompetent, the Agency will handle your request under the Privacy Act.

§ 1662.5. Who can file a FOIA request?

Any member of the public may submit a FOIA request to SSS. Under the FOIA, "member of the public" includes requests from individuals, corporations, state, and local agencies, as well as foreign entities. Requests from Federal agencies and Federal or state courts are not covered by the FOIA.

§ 1662.6. Requirements of a FOIA request.

(a) To be considered a FOIA request under this part, the following must occur:

(1) The request must be written (either by hand or electronically);

(2) The request must be submitted in accordance with § 1662.7;

(3) The requester must provide the following required contact information: requester's name, U.S. or foreign postal address, description of records sought,

and fee willing to pay. While not required, the Agency encourages requesters to provide us with their email address and phone number; and

(4) The request must clearly state and reasonably describe what SSS records are requested. Broad, sweeping requests and vague requests are not reasonably described. The requester must describe the records sought in sufficient detail to enable the Agency to locate the records with a reasonable amount of effort. When known, requests should identify the records sought by providing the name/title of the record, applicable date range, subject matter, offices, or employees involved, and record type. If the request is for electronic communications, such as email records, it would assist SSS if the requestor could provide as much information as possible, such as the names, position titles, or other identifying information about the Agency employees involved, as well as the applicable timeframe. Absent sufficient details, the Agency may be unable to search for or locate the records sought. The greater the date range, the longer it may take to process the request and the greater amount of fees that may be charged.

(b) Requests that do not meet the required criteria above are not considered proper FOIA requests.

(c) The FOIA requires an Agency to provide the record in any form or format requested by the person if the record is readily reproducible by the Agency in that form or format. SSS will not search or produce records in response to a FOIA request that the FOIA Officer determines would be unduly burdensome to process. FOIA requests are determined to be unreasonably burdensome when processing the FOIA request would significantly interfere with the ongoing operation of the Agency's programs.

§ 1662.7. Where to submit a FOIA request.

Submission of requests. Requesters must submit FOIA requests in writing to the Agency through one of the following options:

(a) *Online FOIA portal:* link available from the Agency's www.sss.gov/foia website.

(b) *Email:* FOIA@sss.gov.

(c) *Mail:* SSS, ATTN: Freedom of Information Act Officer, 1501 Wilson Boulevard, Suite 700, Arlington, VA 22209.

§ 1662.8. Requests not processed under the FOIA.

(a) The Chief FOIA Officer will not process a request under the FOIA and the regulations in this part to the extent it asks for records that are currently

publicly available, either from SSS or from another part of the Federal Government, unless the requester does not have access to the internet and cannot retrieve records online. See § 1662.26.

(b) The Chief FOIA Officer will not process a request under the FOIA and the regulations in this part if the records sought are distributed by the Agency as part of its regular program activity, for example, public information leaflets distributed by SSS. See §§ 1662.26 through 1662.28.

(c) The Chief FOIA Officer will not process a request under the FOIA that does not meet the requirements of a FOIA request as defined in § 1662.21. When a request under FOIA does not meet the requirements of § 1662.21, the Chief FOIA Officer will send written correspondence to the requester:

(1) Providing instructions for how to submit a proper FOIA request; or

(2) Asking for additional information to make the request a proper FOIA request.

§ 1662.9. Chief FOIA Officer's authority.

(a) *Release determination.* The Chief FOIA Officer is authorized to make determinations about:

(1) Release or withholding of records;

(2) Expedited processing;

(3) Charging or waiver of fees; and

(4) Other matters relating to processing a request for records under this part.

(b) *Determination provided in writing.* The Chief FOIA Officer's determination is provided in writing to the requester via emailed communication or, in the absence of the requester's email address, via U.S. postal mail. If the requester disagrees with the FOIA Officer's determination in response to items identified in paragraph (a) of this section, the requester may appeal the determination to the Director of Selective Service, as described in § 1662.16.

§ 1662.10. Responsibility for responding to requests

(a) *In general.* When the Chief FOIA Officer first receives a request for a record and SSS maintains that record, it is the responsibility of SSS to respond to the request. In determining which records are responsive to a request, SSS ordinarily will include only records in its possession as of the date that it begins its search. If any other date is used, SSS will inform the requester of that date. A record that is excluded from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), is not considered responsive to a request.

(b) *Authority to grant or deny requests.* The Chief FOIA Officer is

authorized to grant or to deny any requests for records that are maintained by SSS. Denials may be appealed to the Director of the Selective Service.

(c) *Consultation, referral, and coordination.* When reviewing records located by SSS in response to a request, the Chief FOIA Officer will determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under the FOIA. As to any such record, the Agency must proceed in one of the following ways:

(1) *Consultation.* When records originated with SSS but contain within them information of interest to another agency or other Federal Government office, SSS will consult with that other entity prior to making a release determination.

(2) *Referral.* (i) When the Chief FOIA Officer believes that a different agency or component is best able to determine whether to disclose the record, the Chief FOIA Officer will refer the responsibility for responding to the request regarding that record to that agency. Ordinarily, the agency that originated the record is presumed to be the best agency to make the disclosure determination. However, if the Chief FOIA Officer and the originating agency jointly agree that SSS is in the best position to respond regarding the record, then the record may be handled as a consultation.

(ii) Whenever the Chief FOIA Officer refers any part of the responsibility for responding to a request to another agency, it will document the referral, maintain a copy of the record that it refers, and notify the requester of the referral, informing the requester of the name(s) of the agency to which the record was referred, including that Agency's FOIA contact information.

(3) *Coordination.* The standard referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. For example, if a non-law enforcement agency responding to a request for records on a living third party locates within its file's records originating with a law enforcement agency, and if the existence of that law enforcement interest in the third party was not publicly known, then to disclose that law enforcement interest could cause an unwarranted invasion of the personal privacy of the third party. Similarly, if the Chief FOIA Officer locates within its files material originating from an Intelligence Community agency, and the

involvement of that agency in the matter is classified and not publicly acknowledged, then to disclose or give attribution to the involvement of that Intelligence Community agency could cause national security harms. In such instances, in order to avoid harm to an interest protected by an applicable exemption, the Chief FOIA Officer will coordinate with the originating agency to seek its views on whether the record may be disclosed. The release determination for the record that is the subject of the coordination will then be conveyed to the requester by the Chief FOIA Officer.

(d) *Classified information.* On receipt of any request involving classified information, the Chief FOIA Officer must determine whether the information is currently and properly classified in accordance with applicable classification rules. Whenever a request involves a record containing information that has been classified or may be appropriate for classification by another agency under any applicable executive order concerning the classification of records, the Chief FOIA Officer will refer the responsibility for responding to the request regarding that information to the agency that classified the information, or that should consider the information for classification. Whenever the record of SSS contains information that has been derivatively classified (for example, when it contains information classified by another agency), the Chief FOIA Officer will refer the responsibility for responding to that portion of the request to the agency that classified the underlying information.

(e) *Timing of responses to consultations and referrals.* All consultations and referrals received by the Chief FOIA Officer will be handled according to the date that SSS received the perfected FOIA request.

(f) *Agreements regarding consultations and referrals.* The Chief FOIA Officer may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

§ 1662.11. How does SSS process FOIA requests?

(a) *Acknowledgement.* (1) The Chief FOIA Officer acknowledges all FOIA requests in writing within ten business days after the Agency's receipt of the request. The acknowledgement email or letter restates the FOIA request and provides the requester with the request's tracking number.

(2) If the Chief FOIA Officer requires clarification to process the FOIA request, the Chief FOIA Officer will

contact the requester either via email, U.S. postal mail, or phone call. The Chief FOIA Officer will attempt to contact requesters twice. If the Chief FOIA Officer does not receive a response to their clarification attempts within 30 calendar days from the date of the first contact to the requester, the Chief FOIA Officer will close the FOIA request due to insufficient information.

(b) *Perfected requests.* FOIA requests are considered "perfected," *i.e.*, the 20-business day statutory time begins, when the request meets the requirements of the proper FOIA request listed in § 1662.6. There may be times that the Chief FOIA Officer requires more information from the requester after perfecting a request. The 20-business day period may be extended in unusual circumstances by written notice to the requester. See paragraph (e) of this section.

(c) *Expedited processing.* Unless granted expedited processing, the Chief FOIA Officer processes FOIA requests according to a first-in, first-out basis. See § 1662.12 for information on expedited processing.

(d) *Multi-tracking procedures.* FOIA requests are categorized as either simple or complex, depending on the nature of the request and the estimated processing time:

(1) *Simple.* For most non-expedited requests, the Chief FOIA Officer makes a determination about release of the record(s) requested within 20 business days.

(2) *Complex.* The Chief FOIA Officer will place into a complex processing queue any request that cannot be completed within 20 business days due to unusual circumstances. The Chief FOIA Officer notifies requesters in writing if it is necessary for SSS to take additional time to process a request and of the requester's right to seek dispute resolution services with the OGIS. See § 1662.15.

(e) *Unusual circumstances.* (1) Unusual circumstances exist when there is a need to:

(i) Search for and collect records from SSS components or locations that are separate from National Headquarters;

(ii) Search for, collect, and review a voluminous number of records that are part of a single request; and/or

(iii) Consult with two or more SSS components or another agency having substantial interest in the request before releasing the records.

(2) Within the unusual circumstances letter to the requester, the Chief FOIA Officer will provide an estimated date that they will contact the requester with the applicable fee notice and/or further correspondence. The Chief FOIA Officer

will also advise the requester that they may modify or narrow the scope of their request.

(f) *Fee notice.* FOIA requesters are issued a fee notice from the Chief FOIA Officer that informs them of the estimated search and review time associated with processing their FOIA request. For more information on fees, see § 1662.13.

(g) *Tolling.* (1) The Chief FOIA Officer may stop or toll the 20 business days in two circumstances:

(i) The Chief FOIA Officer may stop the clock one time if they require additional information regarding the specifics of the request; and

(ii) The Chief FOIA Officer may stop the clock as many times as needed regarding fee assessments.

(2) The processing time will resume upon the Chief FOIA Officer's receipt of the requester's response. There may be instances when the Chief FOIA Officer requires multiple clarifications on a FOIA request. After the first request for clarification, any additional clarifications are performed without tolling the clock. Should the requester not respond to any correspondence wherein the Chief FOIA Officer requests clarification, or should the correspondence be returned as undeliverable, the Agency reserves the right to administratively close the FOIA request if the Chief FOIA Officer does not receive a response within 30 business days of the date of their correspondence requesting clarification.

(h) *Retrieving records.* The Agency is required to furnish copies of records only when they are in the Agency's possession or SSS can retrieve them from storage. The Federal government follows National Archives and Records Administration (NARA) rules on record retention. Records are retained or destroyed under the guidelines of the Federal Records Act.

(i) *Unproductive searches.* SSS will search for records to satisfy a request using methods that can be reasonably expected to produce the requested records. Nevertheless, the Agency may not be able to find the records requested using the information provided by the requester, or they may not exist. If the Chief FOIA Officer advises that SSS is unable to find the records despite a diligent search, the requester may appeal the no records determination to the Director of Selective Service, as described in § 1662.16.

(j) *Furnishing records.* The Chief FOIA Officer will provide the requester with the record(s) requested unless disclosure would harm an interest protected by a FOIA exemption or disclosure is prohibited by law. When

information within a responsive record(s) is exempt from disclosure, the information is redacted and the applicable FOIA exemption(s) are noted within the redacted cell. The Chief FOIA Officer will make reasonable efforts to provide the records in the form or format requested if the record is readily reproducible in that form or format. The Chief FOIA Officer may provide individual records as the Agency processes them on a rolling basis, or the Chief FOIA Officer may release all responsive records once the request is completed. See § 1662.14 for more information on the release of records by SSS.

§ 1662.12. Expedited processing.

(a) Expedited processing must be requested at the same time as the FOIA request. The Chief FOIA Officer provides expedited processing when the requester can demonstrate a "compelling need" for the requested information, such as:

(1) When there is an imminent threat to the life or safety of a person;

(2) When the request is from the media, or others primarily engaged in disseminating information, and shows an immediate urgency to inform the public about actual or alleged government activities; or

(3) When the requester can show, in detail and to the Chief FOIA Officer's satisfaction, that a prompt response is needed because the requester may be denied a legal right, benefit, or remedy without the requested information, and that it cannot be obtained elsewhere in a reasonable amount of time.

(b) Only the Chief FOIA Officer may make the decision to grant or deny expedited processing. Requests that do not meet the "compelling need" criteria will be processed normally. If the Chief FOIA Officer does not grant the request for expedited processing, the requester may appeal the denial to the Director of Selective Service. In the appeal letter, the requester should explain why they believe their request demonstrates a "compelling need," such as describing how the request meets the criteria in paragraphs (a)(1) through (3) of this section. The process described in § 1662.16 will apply to these appeals.

§ 1662.13. Fees associated with processing FOIA requests.

(a) *Charging fees.* In responding to FOIA requests, the Chief FOIA Officer shall charge the following fees unless a waiver or reduction of fees has been granted under paragraph (i) of this section. Because the fee amounts provided below already account for the direct costs associated with a given fee

type, the Chief FOIA Officer should not add any additional costs to charges calculated under this section.

(1) *Search.* (i) Requests made by educational institutions, non-commercial scientific institutions, or representatives of the news media are not subject to search fees. Search fees shall be charged for all other requesters, subject to the restrictions of paragraph (b) of this section. The Chief FOIA Officer may properly charge for time spent searching even if the Agency does not locate any responsive records or if the Chief FOIA Officer determines that the records are entirely exempt from disclosure.

(ii) For each quarter hour spent by personnel searching for requested records, including electronic searches that do not require new programming, the fees shall be as follows: professional—\$10.00; and clerical/administrative—\$4.75.

(iii) Requesters shall be charged the direct costs associated with conducting any search that requires the creation of a new computer program to locate the requested records. Requesters shall be notified by the Chief FOIA Officer of the costs associated with creating such a program and must agree to pay the associated costs before the costs may be incurred.

(iv) For requests that require the retrieval of records stored by the Agency at a Federal records center operated by NARA, additional costs shall be charged in accordance with the Transactional Billing Rate Schedule established by NARA.

(2) *Duplication.* Duplication fees shall be charged to all requesters, subject to the restrictions of paragraph (b) of this section. The Chief FOIA Officer shall honor a requester's preference for receiving a record in a particular form or format where it is readily reproducible in the form or format requested. Where photocopies are supplied, the Chief FOIA Officer shall provide one copy per request at a cost of five cents per page. For copies of records produced on tapes, disks, or other media, components shall charge the direct costs of producing the copy, including operator time. Where paper documents must be scanned to comply with a requester's preference to receive the records in an electronic format, the requester shall pay the direct costs associated with scanning those materials. For other forms of duplication, the Chief FOIA Officer shall charge the direct costs.

(3) *Review.* Review fees shall be charged to requesters who make commercial use requests. Review fees shall be assessed in connection with the

initial review of the record, *i.e.*, the review conducted by the Chief FOIA Officer to determine whether an exemption applies to a particular record or portion of a record. No charge will be made for review at the administrative appeal stage of exemptions applied at the initial review stage. However, if a particular exemption is deemed to no longer apply, any costs associated with the Agency's re-review of the records in order to consider the use of other exemptions may be assessed as review fees. Review fees shall be charged at the same rates as those charged for a search under paragraph (a)(1)(ii) of this section.

(b) *Restrictions on charging fees.* (1) No search fees will be charged for requests by educational institutions (unless the records are sought for commercial use), non-commercial scientific institutions, or representatives of the news media.

(2) If the Agency fails to comply with the FOIA's time limits in which to respond to a request, the Chief FOIA Officer may not charge search fees, or, in the instances of requests from requesters described in paragraph (b)(1) of this section, may not charge duplication fees, except as described in paragraphs (b)(2)(i) through (iii) of this section.

(i) If the Chief FOIA Officer has determined that unusual circumstances as defined by the FOIA apply and they provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 days.

(ii) If the Chief FOIA Officer has determined that unusual circumstances as defined by the FOIA apply, and more than 5,000 pages are necessary to respond to the request, the Chief FOIA Officer may charge search fees, or, in the case of requesters described in paragraph (b)(1) of this section, may charge duplication fees if the following steps are taken. The Chief FOIA Officer must have provided timely written notice of unusual circumstances to the requester in accordance with the FOIA and the Chief FOIA Officer must have discussed with the requester via written mail, email, or telephone (or made not less than three good faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, the Chief FOIA Officer may charge all applicable fees incurred in the processing of the request.

(iii) If a court has determined that exceptional circumstances exist as defined by the FOIA, a failure to comply with the time limits shall be excused for

the length of time provided by the court order.

(3) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(4) Except for requesters seeking records for a commercial use, the Chief FOIA Officer shall provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent for other media); and

(ii) The first two hours of search.

(5) When, after first deducting the 100 free pages (or its cost equivalent) and the first two hours of search, a total fee calculated under paragraph (a) of this section is \$25.00 or less for any request, no fee will be charged.

(c) *Notice of anticipated fees in excess of \$25.00.* (1) When the Chief FOIA Officer determines or estimates that the fees to be assessed in accordance with this section will exceed \$25.00, the Chief FOIA Officer shall notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review, or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the Chief FOIA Officer shall advise the requester accordingly. If the requester is a non-commercial use requester, the notice shall specify that the requester is entitled to the statutory entitlements of 100 pages of duplication at no charge and, if the requester is charged search fees, two hours of search time at no charge, and shall advise the requester whether those entitlements have been provided.

(2) In cases in which a requester has been notified that the actual or estimated fees are in excess of \$25.00, the request shall not be considered received and further work will not be completed until the requester commits in writing to pay the actual or estimated total fee, or designates some amount of fees the requester is willing to pay, or in the case of a non-commercial use requester who has not yet been provided with the requester's statutory entitlements, designates that the requester seeks only that which can be provided by the statutory entitlements. The requester must provide the commitment or designation in writing to the Chief FOIA Officer, and must, when applicable, designate an exact dollar amount the requester is willing to pay. The Agency is not required to accept payments in installments.

(3) If the requester has indicated a willingness to pay some designated

amount of fees, but the Chief FOIA Officer estimates that the total fee will exceed that amount, they shall toll the processing of the request when they notify the requester of the estimated fees more than the amount the requester has indicated a willingness to pay. The Chief FOIA Officer shall inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or modify the request. Once the requester responds, the time to respond will resume from where it was at the date of the notification.

(4) The Agency shall make available the FOIA Public Liaison or other FOIA professional to assist any requester in reformulating a request to meet the requester's needs at a lower cost.

(d) *Charges for other services.* Although not required to provide special services, if the Chief FOIA Officer chooses to do so as a matter of administrative discretion, the direct costs of providing the service shall be charged. Examples of such services include certifying that records are true copies, providing multiple copies of the same document, or sending records by means other than first class mail.

(e) *Charging interest.* The Chief FOIA Officer may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges shall be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the billing date until payment is received by the Chief FOIA Officer. The Chief FOIA Officer shall follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(f) *Aggregating requests.* When the Chief FOIA Officer reasonably believes that a requester or a group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees, the Chief FOIA Officer may aggregate those requests and charge accordingly. The Chief FOIA Officer may presume that multiple requests of this type made within a 30-day period have been made to avoid fees. For requests separated by a longer period, the Chief FOIA Officer will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters shall not be aggregated.

(g) *Advance payments.* (1) For requests other than those described in paragraph (g)(2) or (g)(3) of this section, the Chief FOIA Officer shall not require the requester to make an advance

payment before work on a request is commenced or continued. Payment owed for work already completed (*i.e.*, payment before copies are sent to a requester) is not an advance payment.

(2) When the Chief FOIA Officer determines or estimates that a total fee to be charged under this section will exceed \$250.00, they may require that the requester make an advance payment up to the amount of the entire anticipated fee before beginning to process the request. The Chief FOIA Officer may elect to process the request prior to collecting fees when they receive a satisfactory assurance of full payment from a requester with a history of prompt payment.

(3) Where a requester has previously failed to pay a properly charged FOIA fee to the Agency within 30 calendar days of the billing date, the Chief FOIA Officer may require that the requester pay the full amount due, plus any applicable interest on that prior request, and the Chief FOIA Officer may require that the requester make an advance payment of the full amount of any anticipated fee before the FOIA Officer begins to process a new request or continues to process a pending request or any pending appeal. Where the Chief FOIA Officer has a reasonable basis to believe that a requester has misrepresented the requester's identity to avoid paying outstanding fees, it may require that the requester provide proof of identity.

(4) In cases in which the Chief FOIA Officer requires advance payment, the request shall not be considered received and further work will not be completed until the required payment is received. If the requester does not pay the advance payment within 30 calendar days after the date of the Chief FOIA Officer's fee determination, the request will be closed.

(h) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily based fee schedule program, the Chief FOIA Officer shall inform the requester of the contact information for that program.

(i) *Requirements for waiver or reduction of fees.* (1) Requesters may seek a waiver of fees by submitting a written application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is

not primarily in the commercial interest of the requester.

(2) The Chief FOIA Officer must furnish records responsive to a request without charge or at a reduced rate when they determine, based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. In deciding whether this standard is satisfied the component must consider the factors described in paragraphs (i)(2)(i) through (iii) of this section:

(i) Disclosure of the requested information would shed light on the operations or activities of the government. The subject of the request must concern identifiable operations or activities of the Federal government with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested information would be likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met:

(A) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(B) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. The Chief FOIA Officer will presume that a representative of the news media will satisfy this consideration.

(iii) The disclosure must not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, the Chief FOIA Officer will consider the following criteria:

(A) Whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters must be given an opportunity to provide explanatory

information regarding this consideration.

(B) If there is an identified commercial interest, the Chief FOIA Officer must determine whether that is the primary interest furthered by the request. A waiver or reduction of fees is justified when the requirements of paragraphs (i)(2)(i) and (ii) of this section are satisfied and any commercial interest is not the primary interest furthered by the request. The Chief FOIA Officer ordinarily will presume that when a news media requester has satisfied the requirements of paragraphs (i)(2)(i) and (ii) of this section, the request is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(3) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver shall be granted for those records.

(4) Requests for a waiver or reduction of fees should be made when the request is first submitted to the Chief FOIA Officer and should address the criteria referenced above. A requester may submit a fee waiver request later so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester shall be required to pay any costs incurred up to the date the fee waiver request was received.

§ 1662.14. Release of records.

(a) *Records previously released.* If the Agency has released a record, or a part of a record, to others in the past, the Chief FOIA Officer will ordinarily release it to the requester, as well. However, the Chief FOIA Officer will not release it to a requester if a statute forbids this disclosure; an exemption applies that was not previously applicable; or if the previous release was unauthorized.

(b) *Withholding records.* Section 552(b) of the FOIA explains the nine exemptions under which the Chief FOIA Officer may withhold records requested under the FOIA. Within §§ 1662.18 through 1662.25, the Agency describes the FOIA exemptions and explain how the Chief FOIA Officer applies them to disclosure determinations. In some cases, more than one exemption may apply to the same document. Section 552(b) of the FOIA, while providing nine exemptions from mandatory disclosure, does not

itself provide any assurance of confidentiality by the Agency.

(c) *Reading room.* If the record(s) requested are already publicly available, either in the SSS electronic reading room or elsewhere online, such as at www.sss.gov, SSS will direct the requester to the publicly available record(s), unless the requester does not have access to the internet.

(d) *Poor copy.* If the Chief FOIA Officer cannot make a legible copy of a record to be released, they do not attempt to reconstruct it. Instead, the Chief FOIA Officer will furnish the best copy possible and note its poor quality in their reply.

§ 1662.15. FOIA Public Liaison and the Office of Government Information Services.

The Chief FOIA Officer notifies requesters of their right to seek dispute resolution from the FOIA Public Liaison or OGIS within the SSS fee notices, responses to determinations identified in § 1662.9(a), and responses to appeals.

(a) *FOIA Public Liaison.* If requesters have questions about the response to their request or wish to seek dispute resolutions services within SSS, the requester may contact the FOIA Public Liaison via email to FOIA.Public.Liaison@sss.gov.

(b) *OGIS.* OGIS is an entity outside of SSS that offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. OGIS' contact information will be provided in any decision letter issued by the Chief FOIA Officer and Director of Selective Service.

§ 1662.16. Appeals of the Chief FOIA Officer's determination.

(a) *Appeal requirements.* If a requester disagrees with the Chief FOIA Officer's determination in response to items specified in § 1662.9, the requester may appeal the decision to the Director of Selective Service. The appeal must meet the following requirements:

(1) Be submitted in writing via the avenues identified in § 1662.7;

(2) Be received within 90 days from the date of the determination the requester is appealing; and

(3) Explain what the requester is appealing and include additional information to support the appeal.

(b) *Acknowledgement.* The Director of Selective Service acknowledges all appeals in writing within 10 business days after their receipt of the appeal. The acknowledgement is provided via email or, when the requester does not provide an email address, via U.S. postal mail. The acknowledgement email or letter restates the FOIA appeal

and provides the requester with the appeal's tracking number.

(c) *Processing timeframe.* FOIA appeals are categorized as either simple or complex, based on the designation of the initial request.

(1) *Simple.* Generally, the Director of Selective Service makes a determination about release of the requested record(s) within 20 business days.

(2) *Complex.* Appeals of complex requests cannot be completed within 20 business days due to unusual circumstances. During the Director of Selective Service's processing of the appeal, they will need to consult with appropriate SSS component(s), including legal counsel; therefore, the Director of Selective Service generally requires more than 20 business days to issue a final decision on the appeal.

(d) *Final decision.* The Director of Selective Service makes decisions on appeals of the Chief FOIA Officer's determinations.

(1) The Director of Selective Service's final decision is provided in writing to the requester via email or, in the absence of the requester's email address, via U.S. postal mail.

(2) The final decision letter will explain the basis of the decision (for example, the reasons why an exemption applies).

(e) *Disagreement with final decision.* If a requester disagrees with the final decision issued by the Director of Selective Service, they may seek assistance from OGIS, as described in § 1662.15. Requesters may also ask a U.S. District Court to review the Director of Selective Service's final decision. See 5 U.S.C. 552(a)(4)(B).

§ 1662.17. U.S. District Court action.

If the Director of Selective Service, upon review, affirms the denial of the Chief FOIA Officer's determination of items specified in § 1662.9(a), requesters may ask a U.S. District Court to review that denial. See 5 U.S.C. 552(a)(4)(B).

§ 1662.18. The FOIA Exemption 1: National defense and foreign policy.

The FOIA exempts from disclosure records that are specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order.

§ 1662.19. The FOIA Exemption 2: Internal personnel rules and practices.

The FOIA exempts from disclosure records that are related solely to the internal personnel rules and practices of an agency.

§ 1662.20. The FOIA Exemption 3: Records exempted by other statutes.

The FOIA exempts from disclosure records if another statute specifically allows or requires the agency to withhold them. The Chief FOIA Officer may use another statute to justify withholding only if it prohibits disclosure; it sets forth criteria to guide the Chief FOIA Officer's decision on releasing; or identifies types of material to be withheld.

§ 1662.21. The FOIA Exemption 4: Trade secrets and confidential commercial or financial information.

The FOIA exempts from disclosure trade secrets as well as commercial or financial information that is obtained from a person that is either privileged or confidential. SSS will allow submitters to designate information as trade secrets and confidential commercial or financial information at the time of submission or within a reasonable time thereafter. Submitters must use good faith efforts to designate, by appropriate markings, any portion of its submission that it considers to be protected from disclosure under the FOIA exemptions. These designations expire ten years after the due date of the submission unless the submitter requests a longer designation period.

(a) *Steps of submitters notice*—(1) *The submitter's notice.* When trade secrets or confidential commercial or financial information is requested under the FOIA, the Chief FOIA Officer will provide written submitter's notice if they have substantial reason to believe that information in the records could reasonably be considered exempt under the FOIA Exemption 4. The submitter's notice will describe and include a copy of the trade secret, or commercial or financial information requested. In cases involving many submitters, SSS may publish a submitter's notice to inform the submitters of the proposed disclosure instead of sending individual notifications. The submitter's notice requirements of this section do not apply if:

(i) The Chief FOIA Officer determines the information is fully exempt under the FOIA, and therefore will not be disclosed;

(ii) The information has been previously published or made generally available; or

(iii) Disclosure of the information is required by statute other than the FOIA.

(2) *Submitter's opportunity to object to disclosure.* (i) The submitter must respond to the notice within five business days of the Chief FOIA Officer issuing the submitter's notice or the information may be released in

accordance with these regulations and the FOIA. A submitter who fails to respond within five business days will be considered to have no objection to the disclosure of the information. The Chief FOIA Officer is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(ii) If a submitter objects to disclosure, the submitter should provide the Chief FOIA Officer with a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. To rely on Exemption 4 as basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential.

(iii) The Chief FOIA Officer will consider a submitter's timely made objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(3) *Notice of intent to disclose.* Whenever the Chief FOIA Officer decides to disclose information over the objection of a submitter, they must provide the following to the submitter:

(i) A Release Over Objection letter explaining the reasons why each of the submitter's disclosure objections did not meet the requirements for withholding under the FOIA;

(ii) A copy of the information as SSS intends to release it; and

(iii) A statement of the Chief FOIA Officer's intent to disclose the information five business days from the date on the Release Over Objection letter unless the submitter files an action in a U.S. District Court to prevent the release.

(b) *Notice of FOIA lawsuit.* When a submitter's notice is issued for a request that is the subject of a lawsuit, the Chief FOIA Officer shall notify the submitter of the lawsuit within the notice.

(c) *Requester notification.* To the extent the Chief FOIA Officer expects substantial delays in the processing of FOIA requests due to the Agency's communications with the submitter, they will notify the requester in writing via email, or when the requester's email is not provided, via U.S. postal mail.

§ 1662.22. The FOIA Exemption 5: Internal documents.

This exemption covers inter-agency or intra-agency government documents that fall within an evidentiary privilege recognized in civil discovery. Such internal government communications include an agency's communications with an outside consultant or other

outside person, with a court, or with Congress, when those communications are for a purpose similar to the purpose of privileged intra-agency communications. Some of the most commonly applicable privileges are described in the following paragraphs:

(a) *Deliberative process privilege.* This privilege protects the decision-making processes of government agencies. Information is protected under this privilege if it is pre-decisional and deliberative. The purpose of the privilege is to prevent injury to the quality of the agency decision-making process by encouraging open and frank internal discussions, by avoiding premature disclosure of decisions not yet adopted, and by avoiding the public confusion that might result from disclosing reasons that were not in fact the ultimate grounds for an agency's decision. Purely factual material in a deliberative document is within this privilege only if it is inextricably intertwined with the deliberative portions so that it cannot reasonably be segregated, if it would reveal the nature of the deliberative portions, or if its disclosure would in some other way make possible an intrusion into the decision-making process. The privilege continues to protect pre-decisional documents even after a decision is made; however, the Chief FOIA Officer will release pre-decisional deliberative communications that were created 25 years or more before the date on which the records are requested, unless disclosure is otherwise prohibited by law.

(b) *Attorney work product privilege.* This privilege protects records prepared by or for an attorney in anticipation of or for litigation. It includes documents prepared for purposes of administrative and court proceedings. This privilege extends to information directly prepared by an attorney, as well as materials prepared by non-attorneys working for an attorney.

(c) *Attorney-client communication privilege.* This privilege protects confidential communications between an attorney and the attorney's client where legal advice is sought or provided.

§ 1662.23. The FOIA Exemption 6: Clearly unwarranted invasion of personal privacy.

The FOIA exempts from disclosure records about individuals if disclosure would constitute a clearly unwarranted invasion of their personal privacy.

(a) *Balancing test.* When the Chief FOIA Officer decides whether to release records that contain personal or private information about someone else, they weigh the foreseeable harm of invading

a person's privacy against the public interest in disclosure. When the Chief FOIA Officer determines whether disclosure would be in the public interest, they will consider whether disclosure of the requested information would shed light on how a government agency performs its statutory duties.

(b) *Agency employees.* To protect the safety of Agency employees, the Chief FOIA Officer will not disclose information when the information sought is contact information and/or duty stations of one or more Federal employees if the disclosure would place employee(s) at risk of injury or other harm.

§ 1662.24. The FOIA Exemption 7: Law enforcement.

The FOIA exempts from disclosure information or records that the government has compiled for law enforcement purposes. The records may apply to actual or potential violations of either criminal or civil laws or regulations. The Agency can withhold these records only to the extent that releasing them would cause harm in at least one of the following situations:

(a) *Enforcement proceedings.* Pursuant to the FOIA Exemption 7(A) (5 U.S.C. 552(b)(7)(a)), the Chief FOIA Officer may withhold information whose release could reasonably be expected to interfere with prospective or ongoing law enforcement proceedings. Investigations of fraud and mismanagement, employee misconduct, and civil rights violations may fall into this category.

(b) *Fair trial or impartial adjudication.* Under the FOIA Exemption 7(B) (5 U.S.C. 552(b)(7)(b)), the FOIA exempts from disclosure records whose release would deprive a person of a fair trial or an impartial adjudication because of prejudicial publicity.

(c) *Personal privacy.* Under the FOIA Exemption 7(C) (5 U.S.C. 552(b)(7)(c)), the FOIA exempts from disclosure personally identifiable information of individuals when the disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.

(d) *Confidential sources and information.* Pursuant to the FOIA Exemption 7(D) (5 U.S.C. 552(b)(7)(d)), the FOIA exempts from disclosure the identity of confidential sources, as well as the records obtained from the confidential sources in criminal investigations or by an agency conducting a lawful national security investigation. A confidential source may be an individual; a state, local, or foreign government agency; or any

private organization. The exemption applies whether the source provides information under an express promise of confidentiality or under circumstances from which such an assurance could be reasonably inferred; however, inferred confidentiality is determined in a case-by-case analysis. Also protected from mandatory disclosure is any information which, if disclosed, could reasonably be expected to jeopardize the system of confidentiality that assures a flow of information from sources to investigatory agencies.

(e) *Techniques and procedures.* Under the FOIA Exemption 7(E) (5 U.S.C. 552(b)(7)(e)), the FOIA exempts from disclosure records reflecting special techniques or procedures of investigation or prosecution, not otherwise generally known to the public. In some cases, it is not possible to describe even in general terms those techniques without disclosing the very material to be withheld. The Chief FOIA Officer may also withhold records whose release would disclose guidelines for law enforcement investigations or prosecutions if this disclosure could reasonably be expected to create a risk that someone could circumvent requirements of law or of regulation.

(f) *Life and physical safety.* Under the FOIA Exemption 7(F) (5 U.S.C. 552(b)(7)(f)), the Chief FOIA Officer may withhold records whose disclosure could reasonably be expected to endanger the life or physical safety of any individual. This protection extends to threats and harassment, as well as to physical violence.

§ 1662.25. The FOIA Exemptions 8 and 9: Records on financial institutions; records on wells.

Exemption 8 exempts from disclosure records about regulation or supervision of financial institutions. Exemption 9 exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

§ 1662.26. Records available for public inspection.

Under the FOIA, SSS is required to make available for public inspection in an electronic format:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) The Agency's statements and interpretations of policy that have been adopted but are not published in the **Federal Register**;

(c) Administrative staff manuals and instructions that affect the public; and

(d) Copies of records, regardless of form or format, that an agency

determines will likely become the subject of subsequent requests, as well as records that have been requested and released three or more times, unless said materials are published and copies are offered to sale.

§ 1662.27. Where records are published.

Materials SSS is required to publish pursuant to the provisions of 5 U.S.C. 552(a)(1) and (a)(2) are published in one of the following ways:

(a) By publication in the **Federal Register** of Selective Service System regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(b) By publication in the **Federal Register** of appropriate general notices; and/or

(c) By other forms of publication, when incorporated by reference in the **Federal Register** with the approval of the Director of the Federal Register.

§ 1662.28. Publications for sale through the Government Publishing Office.

The public may purchase publications containing information pertaining to the program, organization, functions, and procedures of SSS from the electronic U.S. Government Bookstore maintained by the Government Publishing Office. The publications for sale include but are not limited to:

(a) Title 50, Chapter 49, of the United States Code (the Military Selective Service Act);

(b) Title 32, Subtitle B, Chapter XVI, of the Code of Federal Regulations (Selective Service System Regulations);

(c) **Federal Register** issues; and

(d) Legal Aspects of the Selective Service System.

Daniel A. Lauretano, Sr.,

General Counsel.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 38 and 39

RIN 2900-AR82

Outer Burial Receptacles

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to revise its regulation that governs the outer burial receptacle (OBR) monetary allowance for burials in a VA national cemetery when a privately purchased OBR is used in lieu of a Government-furnished

graveliner. First, VA proposes to expand applicability of the monetary allowance to burials in VA grant-funded State and Tribal cemeteries when a privately purchased OBR was used, or where an OBR is placed at the time of interment, at the cost of the State or Tribal Organization. Second, VA proposes to reimburse States and Tribal Organizations for OBRs that are pre-placed as part of a new construction or expansion grant project. In addition, VA proposes minor conforming revisions to its regulations governing aid for the establishment, expansion and improvement of veterans cemeteries to clarify that VA will reimburse the cost of preplaced OBRs separately from the grant award. These changes would implement new authorities provided in the Johnny Isakson and David P. Roe, M.D Veterans Health Care and Benefits Improvement Act of 2020. VA also proposes to amend the regulation governing OBRs by removing retroactive provisions no longer needed because the relevant time period has passed.

DATES: Comments must be received on or before April 8, 2024.

ADDRESSES: Comments must be submitted through www.regulations.gov. Except as provided below, comments received before the close of the comment period will be available at www.regulations.gov for public viewing, inspection, or copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. VA will not post on [Regulations.gov](http://www.regulations.gov) public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm the individual. VA encourages individuals not to submit duplicative comments; however, we will post comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment received after the comment period's closing date is considered late and will not be considered in the final rulemaking. In accordance with the Providing Accountability Through Transparency Act of 2023, a 100 word Plain-Language Summary of this proposed rule is available at www.regulations.gov, under RIN 2900-AR82.

FOR FURTHER INFORMATION CONTACT: Michelle Myers, Management and Program Analyst, Policy and Regulatory Service, National Cemetery Administration, Department of Veterans

Affairs, 810 Vermont Avenue NW, Washington, DC 20420. Telephone: (720) 607-0364. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 2306(e) of title 38, United States Code (U.S.C.), authorizes VA to provide an OBR for each new grave used for casketed remains in an open VA national cemetery. VA has implemented this authority in three ways: providing pre-placed OBRs as part of new construction or expansion of national cemeteries; installing a Government-furnished graveliner at the time of interment; and providing a monetary allowance for burials where the OBR was privately purchased. Pre-placed OBRs are installed in the ground during construction of a cemetery site, then covered with soil and grass. When needed for a burial, the area is unearthed, and the casket is placed. This allows for more efficient use of cemetery space, more efficient operations and improved appearance through the elimination of sunken graves. For gravesites where OBRs were not pre-placed during construction, VA may provide a graveliner at the time of interment. Typically, a Government-furnished graveliner placed at the time of interment is pre-cast concrete and maintains the integrity of the soil around the grave, eliminating sunken graves and improving cemetery appearance.

In some cases, families choose to use a privately purchased OBR in lieu of a Government-furnished graveliner. Section 2306(e)(4) authorizes VA to use a voucher system or other system of reimbursement to pay for OBRs for burials in a VA cemetery, and in December 2000, VA first implemented regulations to administer this authority as a monetary allowance in 38 CFR 38.629 (65 FR 76937).

New Authority

On January 5, 2021, sec. 2203 of Public Law 116-315, the Johnny Isakson and David P. Roe, M.D Veterans Health Care and Benefits Improvement Act of 2020, amended section 2306(e) to expand applicability of the OBR program to burials in cemeteries that are the subject of a grant to a State or Tribal Organization under 38 U.S.C. 2408.

To implement this new authority, VA proposes to revise § 38.629 to include provision of OBRs for gravesites in State or Tribal Organization cemeteries funded through VA grants. Specifically, we propose to redesignate paragraph (b) as paragraph (b)(1) and revise redesignated paragraph (b)(1) by adding

language to the existing purpose statement to include payment of a monetary allowance for interments in grant-funded cemeteries where a privately purchased OBR has been used. As well, we propose adding new paragraphs (b)(2) and (3) to explain that the purpose of the section now also provides for payment of a monetary allowance for OBRs placed at the time of interment in grant-funded cemeteries and for reimbursement of the cost for OBRs that are pre-placed as part of construction, expansion, or improvement of a grant-funded cemetery. These amendments establish that VA will use § 38.629 to regulate both the monetary allowance and reimbursements associated with OBRs for burials in VA grantee-cemeteries.

VA proposes minor revisions to the heading and text of paragraph (c) to clarify that the content of the paragraph refers to subsequent interments with privately purchased OBRs. In burials where a casket already exists in a grave with or without an OBR, subsequent placement of a second casket in an OBR would not be permitted in the same grave unless the cemetery director determines that the already interred casket would not be damaged. We propose replacing the current reference to “graveliner” in paragraph (c) with the broader term of “outer burial receptacle” to be more consistent with terminology used throughout the regulatory text. As well, we propose removing the word “national” to make the paragraph applicable to VA grant-funded cemetery directors, who now have responsibilities related to potential use of privately purchased OBRs. These revisions clarify the meaning and applicability of the paragraph.

Monetary Allowance for Privately Purchased OBRs

VA proposes to revise the heading of paragraph (d) to specify that the provision refers to payment of monetary allowance for privately purchased OBRs and to redesignate paragraph (d) as paragraph (d)(1). VA proposes to add a new paragraph (d)(2) to specify provision of a monetary allowance for burials in a grant-funded cemetery where a privately purchased OBR was used. VA would require a request for payment from the person who paid for the OBR along with evidence of such payment. The request must be verified by the cemetery director where the burial occurred. Since this authority is effective, by law, on and after January 5, 2023, the revision would include the effective date.

Monetary Allowance for OBRs Placed at Time of Interment

VA proposes to redesignate paragraph (e) as (f) and add new paragraph (e) to provide for payment of monetary allowance for OBRs placed at time of interment. VA would pay an allowance to a State or Tribal Organization for OBRs placed at the time of interment for burials in a grantee cemetery. Since this authority is effective, by law, on and after January 5, 2023, the revision would include the effective date. VA proposes to issue payment on a quarterly basis for the total number of burials that occurred during the quarter, when requested by the State or Tribal Organization on the approved VA application form. Since the monetary allowance for a single OBR is a relatively small amount, VA proposes a quarterly basis as a reasonable approach to minimize the number of applications for payment that need to be submitted by the States and Tribal Organizations and to allow for efficient management and processing of the requests by VA. Rather than requiring a separate application for each relevant interment, States and Tribal Organizations would submit one application for all OBRs used at time of interment during each quarter. In addition, proposed paragraph (e)(3) would establish that payment may not be made for burials where a fee for the OBR was charged to the decedent's family or other responsible party.

Reimbursement for OBRs Pre-Placed as Part of Construction

VA proposes to add a new paragraph (g) to provide for reimbursement of the cost of OBRs that are pre-placed as part of new construction, expansion or improvement of a grant-funded cemetery. VA proposes to reimburse States and Tribal Organizations for the cost of pre-placed OBRs installed in conjunction with construction and expansion cemetery grants. States and Tribal Organizations would be required to submit a request for reimbursement using Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. This approach is standard for requesting reimbursement for construction projects and is already used by the Veterans Cemetery Grants Program (VCGP) as part of the grant award process. The information required for determining the cost and the agency entitled to reimbursement is included in information already being collected as part of the veterans cemetery grant application and award process, so there would be no impact regarding the Paperwork Reduction Act. This

provision for reimbursement aligns administration of the OBR benefit for VA grant-funded cemeteries with that of VA national cemeteries.

Audit Provisions

VA proposes to add a new paragraph (h) to establish that a State or Tribal Organization that seeks payment in the form of reimbursement or monetary allowance for OBRs under § 38.629 would be subject to related inspections, audits, and reporting. Grant-funded cemeteries already are subject to inspections, audits, and reporting under § 39.122 to ensure compliance with regulatory provisions governing the VCGP; however, VA wants to ensure that grant-funded cemeteries that are seeking payment for OBRs under § 38.629 are fully advised in regulation that such requests and payments are subject to inspections, audits, and reporting.

Accordingly, VA proposes to also revise § 39.122, which governs inspections, audits, and reports related to the VCGP. VA proposes to revise paragraph (a) to require a State or Tribal Organization to allow VA inspectors and auditors to conduct inspections as necessary to ensure compliance with the provisions of part 39 and with the provisions of § 38.629 regarding OBRs. This would ensure that grant recipients are aware that if they seek payment for OBRs in accordance with § 38.629, they would be subject to inspection, audit, and reporting requirements related to such payments.

Removing Outdated Provisions

VA proposes to amend § 38.629 to remove outdated retroactive provisions by removing references to dates in paragraphs (d) and (e). Current paragraph (d) restricts the monetary allowance to burials where a privately purchased OBR was used on and after October 9, 1996, and includes a specific provision for making payment for burials during the period October 9, 1996, through December 31, 1999. These provisions were included because the OBR allowance authority took effect on October 9, 1996, before the regulations were finalized on December 8, 2000. However, those portions of current paragraph (d) are no longer necessary since the relevant time periods have passed.

Similarly, current paragraphs (e)(1) and (2) each refer to the timeframe for VA's annual publication in a **Federal Register** notice of the OBR reimbursement amount from "calendar year 2000 and each calendar year thereafter." The references to calendar year 2000 are no longer necessary, and

we propose removing them from the regulation in redesignated paragraphs (f)(1) and (f)(2). Finally, current paragraph (e)(3) (or redesignated paragraph (f)(3)) establishes that the amount of the monetary allowance for calendar year 2000 will be used for payment of any allowances for interments that occurred during the period from October 9, 1996, through December 31, 1999. That paragraph is no longer necessary because the relevant time period has passed. Because the OBR payments would be calculated annually, VA would only pay the current amount for qualifying interments for that calendar year.

Section Title

VA proposes to revise the title of § 38.629 from "Outer Burial Receptacle Allowance" to "Outer Burial Receptacles" to reflect the change in scope of the regulation, which previously only included provision of an allowance for privately purchased OBRs, but would now include reimbursement to grant-funded cemeteries for procurement costs of OBRs.

Clarifying § 39.50

Finally, VA proposes to revise § 39.50 to clarify that VA would reimburse the cost of pre-placed OBRs separately from the grant award. Section 39.50 governs the amount of grants awarded under subpart B—Establishment, Expansion, and Improvement Projects. First, VA proposes to delete the phrase "preplaced liners or crypts," from § 39.50(b)(2) where it is included as one of the examples of costs that may be included in the total cost of a project. Since VA is now authorized to provide OBRs to grant-funded cemeteries, the cost of those items should not be included in the total cost of the project when determining the amount of a grant. Second, VA proposes to insert a new paragraph (e) to clarify that VA would reimburse the cost of preplaced OBRs separately, in accordance with the new provisions of § 38.629.

Executive Orders 12866, 13563 and 14094

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review)

emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Orders 12866 and 13563. The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at www.regulations.gov.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). The Secretary acknowledges that this rule may affect some Tribal governments that may be considered small entities; however, the economic impact would be entirely beneficial. This proposed rule would impose no mandatory requirements or costs on Tribal governments as a whole and would only affect those that are recipients of veterans cemetery grants. To the extent that small entities are affected, the impact of this proposed rule would be entirely beneficial as it would provide reimbursement for costs of OBRs associated with casketed burials in grant-funded cemeteries. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and Tribal governments, or on the private sector.

Paperwork Reduction Act

This proposed rule includes provisions constituting a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) that require approval by the Office

of Management and Budget (OMB). Accordingly, under 44 U.S.C. 3507(d), VA has submitted a copy of this rulemaking action to OMB for review and approval.

OMB assigns control numbers to collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. If OMB does not approve the collection of information as requested, VA will immediately remove the provisions containing the collection of information or take such other action as is directed by OMB.

Comments on the new collection of information contained in this rulemaking should be submitted through www.regulations.gov. Comments should be sent within 60 days of publication of this rulemaking. The collection of information associated with this rulemaking can be viewed at: www.reginfo.gov/public/do/PRAMain.

OMB is required to make a decision concerning the collection of information contained in this rulemaking between 30 and 60 days after publication of this rulemaking in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the provisions of this rulemaking.

The Department considers comments by the public on new collection of information in—

- Evaluating whether the new collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;

- Evaluating the accuracy of the Department's estimate of the burden of the new collection of information, including the validity of the methodology and assumptions used;

- Enhancing the quality, usefulness, and clarity of the information to be collected; and

- Minimizing 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.

The collection of information associated with this rulemaking contained in 38 CFR 38.629 is described immediately following this paragraph.

Title: Request for Payment of Monetary Allowance for Outer Burial Receptacles.

OMB Control No.: 2900–XXXX.

CFR Provision: 38 CFR 38.629.

- *Summary of collection of information:* The new collection of information in proposed 38 CFR 38.629 would require a State or Tribal Organization to submit a request for payment of monetary allowance for OBRs placed at the time of interment, and it would require individuals to

submit a request for payment of monetary allowance for a privately purchased OBR.

- *Description of need for information and proposed use of information:* The information submitted on the request form would be necessary to initiate payment of entitlement. The information would identify the claimant and the amount claimed and would be necessary to make determinations for payment and for other budget, oversight and compliance purposes associated with administering this benefit for burials in State and Tribal Organization veterans cemeteries. In addition, VCGP would need this data to answer questions that arise during the course of the year to respond to Congressional correspondence.

- *Description of likely respondents:* Primarily VCGP grantees that are States and Tribal Organizations. A small number of private individuals may be respondents.

- *Estimated number of respondents:* 110 in FY2024.

- *Estimated frequency of responses:* Quarterly for States and Tribal Organizations that need to request payment of monetary allowance for burials where OBRs are placed at time of interment. One time occurrence for any individual who needs to claim monetary allowance for a privately purchased OBR.

- *Estimated average burden per response:*

ESTIMATED BURDEN HOURS

	Estimated number of respondents	(x) times Estimated number of responses	(x) times Average minutes per response	= (Equals) minutes	+ by 60 =	Actual number of burden hours
Monetary Allowance for Privately Purchased OBR	100	1	15	1,500		25
Monetary Allowance for OBRs Placed at Time of Interment	10	4	15	600		10
Accumulative Total	110	.....	.....	.....		35

- *Estimated total annual reporting and recordkeeping burden:* VA estimates the total annual reporting and recordkeeping burden to be 35 burden hours. Based on an estimated number of 100 respondents filing one-time claims with an average of 15 minutes for the response, and an estimated number of 10 respondents filing claims quarterly with an average of 15 minutes for the response, the total annual reporting and recordkeeping burden is estimated to be 35 hours.

- *Estimated cost to respondents per year:* VA estimates the total annual cost for all respondents to be \$1041.60. To estimate the total information collection burden cost, VA used the Bureau of Labor Statistics (BLS) mean hourly wage for “all occupations” of \$29.76 per hour. This information is available at https://www.bls.gov/oes/2022/may/oes_nat.htm#00-0000. Based on the estimated total annual burden of 35 hours, and using a mean hourly wage of \$29.76, VA estimates the total information collection burden cost to be

\$1041.60 per year (35 hours × \$29.76 per hour).

Assistance Listing

The Assistance Listing numbers and titles for the programs affected by this document are 64.201, National Cemeteries; 64.203, State Cemetery Grants; and 64.206, VA Outer Burial Receptacle Allowance.

List of Subjects in 38 CFR Parts 38 and 39

38 CFR Part 38

Administrative practice and procedure, Cemeteries, Veterans.

38 CFR Part 39

Cemeteries, Grant programs—veterans, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, signed and approved this document on January 30, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, VA proposes to amend 38 CFR parts 38 and 39 as set forth below:

PART 38—NATIONAL CEMETERIES OF THE DEPARTMENT OF VETERANS AFFAIRS

■ 1. The authority citation for part 38 continues to read as follows:

Authority: 38 U.S.C. 107, 501, 512, 531, 2306, 2400, 2402, 2403, 2404, 2407, 2408, 2411, 7105.

■ 2. Amend § 38.629 as follows:

- a. Revise the section heading and paragraphs (b), (c), and (d);
- b. Revise the paragraph (d) heading;
- c. Redesignate paragraph (e) as paragraph (f);
- d. Add new paragraph (e);
- e. Revise the heading to newly redesignated paragraph (f) and revise newly redesignated paragraphs (f)(1) introductory text and (f)(2);
- f. Remove newly redesignated (f)(3); and
- e. Add paragraphs (g) and (h).

The revisions and additions read as follows:

§ 38.629 Outer burial receptacles.

* * * * *

(b) *Purpose.* (1) This section provides for payment of a monetary allowance for an outer burial receptacle for any interment with casketed remains in a VA national cemetery where a privately purchased outer burial receptacle has been used in lieu of a Government-furnished graveliner and, for any interment on or after January 5, 2023, in a cemetery that is the subject of a grant to a State or Tribal Organization under

38 U.S.C. 2408 where a privately purchased outer burial receptacle has been used.

(2) This section also provides for payment of a monetary allowance for outer burial receptacles placed at the time of interment, for burials on or after January 5, 2023, in a cemetery that is the subject of a grant awarded to a State or Tribal Organization under 38 U.S.C. 2408.

(3) This section also provides for reimbursement of the cost of pre-placed outer burial receptacles that are installed as part of construction or expansion of a cemetery that is the subject of a grant awarded on or after January 5, 2023, to a State or Tribal Organization under 38 U.S.C. 2408.

(c) *Subsequent interments.* In burials where a casket already exists in a grave with or without an outer burial receptacle, subsequent placement of a second casket in an outer burial receptacle will not be permitted in the same grave unless the cemetery director determines that the already interred casket will not be damaged.

(d) *Payment of monetary allowance for privately purchased outer burial receptacles.* (1) VA will pay a monetary allowance for each casket burial in a VA national cemetery where a privately purchased outer burial receptacle was used in lieu of a Government-furnished graveliner. Payment will be made to the person identified in records contained in the National Cemetery Administration (NCA) electronic ordering system as the person who paid for the outer burial receptacle. No application is required to receive payment of this monetary allowance as the payment is processed automatically based on entry in the system.

(2) VA will pay a monetary allowance for each casket burial in a cemetery that is the subject of a grant to a State or Tribal Organization under 38 U.S.C. 2408, where a privately purchased outer burial receptacle was used on or after January 5, 2023. The person who paid for the outer burial receptacle must submit a request for payment of the allowance on the appropriate VA form. The request must be verified by the cemetery director where the burial occurred.

(e) *Payment of monetary allowance for outer burial receptacles placed at time of interment.* (1) VA will pay a monetary allowance for outer burial receptacles placed at the time of interment for burials on or after January 5, 2023, in a cemetery that is the subject of a grant to a State or Tribal Organization under 38 U.S.C. 2408. Such payments may be issued on a

quarterly basis and will be paid to the State Agency or Tribal Organization.

(2) VA will pay the allowance only if a State or Tribal Organization submits a request for payment on the appropriate VA form. Requests may be submitted on a quarterly basis for the total number of burials that required an outer burial receptacle in that quarter and for which a fee for the outer burial receptacle was not charged to the decedent's family or other responsible party. Requests for payment under this section must be submitted within one year of interment.

(3) No payment may be made for burials where a fee for the outer burial receptacle was charged to the decedent's family or other responsible party.

(f) *Amount of the monetary allowance.* (1) The monetary allowance will be the average cost, as determined by VA, of Government-furnished graveliners, less the administrative costs incurred by VA in processing and paying the allowance.

* * * * *

(2) The amount of the allowance for each calendar year will be published in the "Notices" section of the **Federal Register**. The **Federal Register** notice will also provide, as information, the determined average cost of Government-furnished graveliners and the determined amount of the administrative costs to be deducted.

(g) *Reimbursement for pre-placed outer burial receptacles.* (1) VA will reimburse the cost of outer burial receptacles that are pre-placed as part of new construction, expansion, or improvement of a cemetery that is the subject of a grant to a State or Tribal Organization under 38 U.S.C. 2408 if the grant was awarded on or after January 5, 2023. The reimbursement will be paid to the State or Tribal Organization or, if designated by the State or Tribal Organization representative, the State or Tribal veterans cemetery for which such project is being carried out, or to any other State or Tribal Organization agency or instrumentality.

(2) States and Tribal Organizations must submit a request for reimbursement of the cost of pre-placed outer burial receptacles using Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs, with supporting documentation. The Director of the Veterans Cemetery Grants Program must review and certify the request for payment. Funds paid under this section for pre-placed outer burial receptacles, as part of an approved establishment, expansion, and improvement project, shall be used solely for payment of such outer burial receptacles. As a condition

for payment, the representative of the State or Tribal Organization must submit to VA an invoice reporting the cost for purchase and delivery of outer burial receptacles.

(h) *Audits.* A State or Tribal Organization that seeks reimbursement for the cost of outer burial receptacles under this section will be subject to inspections, audits and reports in accordance with § 39.122.

(Authority: 38 U.S.C. 2306(e))

PART 39—AID FOR THE ESTABLISHMENT, EXPANSION, AND IMPROVEMENT, OR OPERATION AND MAINTENANCE, OF VETERANS CEMETERIES

■ 3. The authority citation for part 39 continues to read as follows:

Authority: 38 U.S.C. 101, 501, 2408, 2411, 3765.

■ 4. Amend § 39.50 as follows:

- a. Remove “preplaced liners or crypts,” from paragraph (b)(2); and
- b. Add paragraph (e);

The addition reads as follows:

§ 39.50 Amount of grant.

* * * * *

(e) VA will reimburse the cost of preplaced outer burial receptacles separately in accordance with § 38.629.

* * * * *

■ 5. Amend § 39.122 by revising paragraph (a) to read as follows:

§ 39.122 Inspections, audits, and reports.

(a) A State or Tribal Organization will allow VA inspectors and auditors to conduct inspections as necessary to ensure compliance with the provisions of this part and with provisions of § 38.629 regarding outer burial receptacles. The State or Tribal Organization will provide to VA evidence that it has met its responsibilities under the Single Audit Act of 1984.

* * * * *

[FR Doc. 2024–02183 Filed 2–5–24; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2023–0629; FRL–11261–01–R3]

Air Plan Approval; Virginia; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Fredericksburg Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Virginia. This revision pertains to the Commonwealth’s plan, submitted by the Virginia Department of Environmental Quality (VADEQ), for maintaining the 1997 8-hour ozone national ambient air quality standards (NAAQS) (referred to as the “1997 ozone NAAQS”) in the Fredericksburg, Virginia Area (Fredericksburg Area). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 7, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2023–0629 at www.regulations.gov, or via email to Gordon.Mike@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit www.epa.gov/dockets/commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT:

Serena Nichols, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2053. Ms. Nichols can also be reached via electronic mail at Nichols.Serena@epa.gov.

SUPPLEMENTARY INFORMATION: On May 25, 2023, the VADEQ submitted a revision to the Virginia SIP to

incorporate a plan for maintaining the 1997 ozone NAAQS in the Fredericksburg Area through January 23, 2026,¹ in accordance with CAA section 175A.

I. Background

In 1979, under section 109 of the CAA, EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. 44 FR 8202 (February 8, 1979).² On July 18, 1997 (62 FR 38856),³ EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. EPA set the 1997 ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 30, 2004 (69 FR 23858), EPA designated the Fredericksburg Area as nonattainment for the 1997 ozone NAAQS. The Fredericksburg Area consists of the city of Fredericksburg, and the counties of Spotsylvania and Stafford.

Once a nonattainment area has three years of complete and certified air quality data that has been determined to attain the NAAQS, and the area has met the other criteria outlined in CAA section 107(d)(3)(E),³ the state can submit a request to EPA to redesignate the area to attainment. Areas that have

¹ The state submission indicates that the twenty-year maintenance period expires on December 31, 2025. This discrepancy is likely due to EPA’s December 23, 2005 redesignation and initial approval of the maintenance plan, in which it mistakenly listed the publication date as the effective date. 70 FR 76165. EPA subsequently corrected the effective date, found in 40 CFR part 81, to January 23, 2006. 72 FR 68515 (December 5, 2007). Thus, the expiration date of the twenty-year maintenance period is January 23, 2026.

² In March 2008, EPA completed another review of the primary and secondary ozone standards and tightened them further by lowering the level for both to 0.075 ppm. 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed a review of the primary and secondary ozone standards and tightened them by lowering the level for both to 0.70 ppm. 80 FR 65292 (October 26, 2015).

³ The requirements of CAA section 107(d)(3)(E) include attainment of the NAAQS, full approval under section 110(k) of the applicable SIP, determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

been redesignated by EPA from nonattainment to attainment are referred to as “maintenance areas.” One of the criteria for redesignation is to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the standard for the period extending 10 years after redesignation, and it must contain such additional measures as necessary to ensure maintenance as well as contingency measures as necessary to assure that violations of the standard will be promptly corrected.

On December 23rd, 2005 (70 FR 76165),⁴ EPA approved a redesignation request (and maintenance plan) from VADEQ for the Fredericksburg Area for the 1997 ozone NAAQS. In accordance with section 175A(b), at the end of the eighth year after the effective date of the redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years.

EPA’s final implementation rule for the 2008 ozone NAAQS revoked the 1997 ozone NAAQS and provided that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.*, maintenance areas) for the 1997 ozone NAAQS no longer needed to submit second 10-year maintenance plans under CAA section 175A(b). See 80 FR 12315 (March 6, 2015). However, in *South Coast Air Quality Management District v. EPA*⁵ (South Coast II), the United States Court of Appeals for the District of Columbia (D.C. Circuit) vacated EPA’s interpretation that, because of the revocation of the 1997 ozone standard, second maintenance plans were not required for “orphan maintenance areas,” (*i.e.*, areas like the Fredericksburg Area) that had been redesignated to attainment for the 1997 ozone NAAQS and were designated attainment for the 2008 ozone NAAQS. Thus, states with these “orphan maintenance areas” under the 1997 ozone NAAQS must submit maintenance plans for the second maintenance period.

As previously discussed, CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA

has published longstanding guidance⁶ that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) an attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan. The 1992 Calcagni Memo⁷ provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.*, attainment year inventory). See 1992 Calcagni Memo at p. 9. EPA further clarified in three subsequent guidance memos describing “limited maintenance plans” (LMPs)⁸ that the requirements of CAA section 175A could be met by demonstrating that the area’s design value⁹ was well below the NAAQS and that the historical stability of the area’s air quality levels showed that the area was unlikely to violate the NAAQS in the future. Specifically, EPA believes that if the most recent air quality design value for the area is at a level that is below 85% of the standard, or in this case below 0.071 ppm, then EPA considers the state to have met the section 175A requirement for a demonstration that the area will

maintain the NAAQS for the requisite period. Accordingly, on May 25, 2023, VADEQ submitted an LMP for the Fredericksburg Area, following EPA’s LMP guidance and demonstrating that the area will maintain the 1997 ozone NAAQS through January 23, 2026, *i.e.*, through the entire 20-year maintenance period.

II. Summary of SIP Revision and EPA Analysis

VADEQ’s May 25, 2023 submittal outlines a plan for continued maintenance of the 1997 ozone NAAQS which addresses the criteria set forth in EPA guidance, including the 1992 Calcagni Memo as follows.

A. Attainment Emissions Inventory

For maintenance plans, a state should develop a comprehensive and accurate inventory of actual emissions for an attainment year which identifies the level of emissions in the area which is sufficient to maintain the NAAQS. The inventory should be developed consistent with EPA’s most recent guidance. For ozone, the inventory should be based on a typical summer day’s emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOC), the precursors to ozone formation. In the first maintenance plan for the Fredericksburg Area, VADEQ used 2004 for the attainment year inventory, because 2004 was one of the years in the 2002–2004 three-year period when the area first attained the 1997 ozone NAAQS.¹⁰ The Fredericksburg Area continued to monitor attainment of the 1997 ozone NAAQS in 2014. Therefore, the emissions inventory from 2014 represents emissions levels conducive to continued attainment (*i.e.*, maintenance) of the NAAQS. Thus, VADEQ is using 2014 as representing attainment level emissions for its second maintenance plan. Virginia used 2014 summer day emissions from EPA’s 2014 version 7.0 modeling platform as the basis for the 2014 inventory presented in Table 1 in this document.¹¹

¹⁰ For more information, see EPA’s September 12, 2005 document proposing to redesignate the Fredericksburg Area to attainment for the 1997 ozone NAAQS (70 FR 53746).

¹¹ For more information, visit www.epa.gov/sites/production/files/2018-11/ozone_1997_naaqs_emiss_inv_data_nov_19_2018_0.xlsx.

⁴ The effective date was January 23, 2006. See footnote 1.

⁵ 882 F.3d 1138 (D.C. Cir. 2018).

⁶ See “Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas” from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994.

⁷ “Procedures for Processing Requests to Redesignate Areas to Attainment,” Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (1992 Calcagni Memo).

⁸ See “Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas” from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; “Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas” from Joseph Paisie, OAQPS, dated October 6, 1995; and “Limited Maintenance Plan Option for Moderate PM₁₀ Nonattainment Areas” from Lydia Wegman, OAQPS, dated August 9, 2001.

⁹ The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

TABLE 1—2014 TYPICAL SUMMER DAY NO_x AND VOC EMISSIONS FOR THE FREDERICKSBURG AREA IN TONS/DAY

Area	Source category	NO _x emissions	VOC emissions
City of Fredericksburg	Nonpoint	0.21	1.06
	Nonroad	0.08	0.13
	Onroad	1.54	0.85
Spotsylvania County	Fire	0.00	0.01
	Nonpoint	0.70	3.48
	Nonroad	1.41	1.38
	Onroad	6.15	3.15
Stafford County	Point	0.01	0.01
	Nonpoint	1.00	3.09
	Nonroad	1.44	1.10
	Onroad	5.79	2.24
	Point	0.16	0.06

The data shown in Table 1 in this document is based on the 2014 National Emissions Inventory (NEI) version 2.¹² The inventory addresses four anthropogenic emission source categories: Stationary (point) sources, stationary nonpoint (area) sources, nonroad mobile, and onroad mobile sources. Point sources are stationary sources that have the potential to emit more than 100 tons per year (tpy) of VOC, or more than 50 tpy of NO_x, and which are required to obtain an operating permit. The point source sector includes large industrial operations that are relatively few in number but have large emissions, such as kraft mills, electrical generating units, and pharmaceutical factories. Nonpoint sources include emissions from equipment, operations, and activities that are numerous and in total have significant emissions. Examples include emissions from commercial and consumer products, portable fuel containers, home heating, repair and refinishing operations, and crematories. The nonroad emissions sector includes emissions from engines that are not primarily used to propel transportation equipment, such as generators, forklifts, and marine pleasure craft. The onroad emissions sector includes emissions from engines used primarily to propel equipment on highways and other roads, including passenger vehicles,

motorcycles, and heavy-duty diesel trucks. The fire emissions sector includes emissions from agricultural burning, prescribed fires, wildfires, and other types of fires. Data are collected for each source at a facility and reported to VADEQ. EPA reviewed the emissions inventory submitted by VADEQ and proposes to conclude that the plan's inventory is acceptable for the purposes of a subsequent maintenance plan under CAA section 175A(b).

B. Maintenance Demonstration

In order to attain the 1997 ozone NAAQS, the three-year average of the fourth-highest daily average ozone concentration (design value, or "DV") at each monitor within an area must not exceed 0.08 ppm. Based on the rounding convention described in 40 CFR part 50, appendix I, the standard is attained if the DV is 0.084 ppm or below. CAA section 175A requires a demonstration that the area will continue to maintain the NAAQS throughout the duration of the requisite maintenance period. Consistent with the guidance documents discussed previously in this document as well as EPA's November 20, 2018 "Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans" (2018 Resource Document),¹³ EPA believes that if the most recent DV for the area is well below the NAAQS (e.g., below

85%, or in this case below 0.071 ppm), the section 175A demonstration requirement has been met, provided that prevention of significant deterioration requirements, any control measures already in the SIP, and any Federal measures remain in place through the end of the second 10-year maintenance period (absent a showing consistent with section 110(l) that such measures are not necessary to assure maintenance).

For the purposes of demonstrating continued maintenance with the 1997 ozone NAAQS, VADEQ provided 3-year DVs at the Stafford County monitor located in the Fredericksburg Area from 2001 to 2021. This includes DVs at the monitor for 2001–2003, 2002–2004, 2003–2005, 2004–2006, 2005–2007, 2006–2008, 2007–2009, 2008–2010, 2009–2011, 2010–2012, 2011–2013, 2012–2014, 2013–2015, 2014–2016, 2015–2017, 2016–2018, 2017–2019, 2018–2020, and 2019–2021 which are shown in Table 2 in this document.¹⁴ In addition, EPA has reviewed the most recent ambient air quality monitoring data for ozone in the Fredericksburg Area, as submitted by Virginia and recorded in EPA's Air Quality System. The most recent DV (*i.e.*, 2020–2022) at the monitor located in the Fredericksburg Area is 0.058 ppm.¹⁵

¹⁴ See also Figure 2 of VADEQ's May 25, 2023 submittal, included in the docket for this rulemaking available online at www.regulations.gov, Docket ID: EPA–R03–OAR–2023–0629.

¹⁵ This data is also included in the docket for this rulemaking available online at www.regulations.gov, Docket ID: EPA–R03–OAR–2023–0629 and is also available at www.epa.gov/air-trends/air-quality-design-values#report.

¹² The NEI is a comprehensive and detailed estimate of air emissions of criteria pollutants, criteria precursors, and hazardous air pollutants from air emissions sources. The NEI is released every three years based primarily upon data provided by State, Local, and Tribal air agencies for sources in their jurisdictions and supplemented by data developed by EPA.

¹³ This resource document is included in the docket for this rulemaking available online at www.regulations.gov, Docket ID: EPA–R03–OAR–2023–0629 and is also available at www.epa.gov/sites/production/files/2018-11/documents/ozone_1997_naaqs_lmp_resource_document_nov_20_2018.pdf.

TABLE 2—1997 OZONE NAAQS DESIGN VALUES IN PARTS PER MILLION FOR THE FREDERICKSBURG AREA

County	AQS site ID	2001 – 2003	2002 – 2004	2003 – 2005	2004 – 2006	2005 – 2007	2006 – 2008	2007 – 2009	2008 – 2010	2009 – 2011	2010 – 2012
Stafford	511790001	.088	.084	.079	.081	.085	.081	.072	.070	.072	.076
County	AQS site ID	2011 – 2013	2012 – 2014	2013 – 2015	2014 – 2016	2015 – 2017	2016 – 2018	2017 – 2019	2018 – 2020	2019 – 2021	2020 – 2022
Stafford	511790001	.071	.067	.063	.063	.062	.062	.060	.059	.059	.058

Additionally, states can support the demonstration of continued maintenance by showing stable or improving air quality trends. According to EPA's 2018 Resource Document, several kinds of analyses can be performed by states wishing to make such a showing. One approach is to take the most recent DV at a monitor located in the area and add the maximum design value increase (over one or more consecutive years) that has been observed in the area over the past several years. For an area with multiple monitors, the highest of the most recent DVs should be used. A sum that does not exceed the level of the 1997 ozone NAAQS may be a good indicator of expected continued attainment. The largest increase in DVs at the Stafford monitor located in the Fredericksburg Area was 0.004 ppm, which first occurred between the 2004–2006 (0.081 ppm) and 2005–2007 (0.085 ppm) DVs, and occurred again between the 2009–2011 (0.072 ppm) and 2010–2012 (0.076 ppm) DVs. Adding 0.004 ppm to the highest DV for the 2020–2022 period (0.058 ppm) results in 0.062 ppm, a sum that is still below the 1997 ozone NAAQS.

DVs at the monitor located in the Fredericksburg Area have been below 85% of the 1997 ozone NAAQS (*i.e.*, 0.071 ppm or 71 ppb) since the 2012–2014 period. Additional supporting information that the area is expected to continue to maintain the standard can be found in projections of future year DVs that EPA recently completed to assist states with the development of interstate transport SIPs for the 2015 8-hour ozone NAAQS. Those projections, made for the year 2023, show that the highest DV at the monitor located in the Fredericksburg Area is expected to be 0.057 ppm.¹⁶ Therefore, EPA proposes

to determine that future violations of the 1997 ozone NAAQS in the Fredericksburg Area are unlikely.

C. Continued Air Quality Monitoring and Verification of Continued Attainment

Once an area has been redesignated to attainment, the state remains obligated to maintain an air quality network in accordance with 40 CFR part 58, in order to verify the area's attainment status. In the May 25, 2023 submittal, VADEQ commits to continue to operate their air monitoring network in accordance with 40 CFR part 58. VADEQ also commits to track the attainment status of the Fredericksburg Area for the 1997 ozone NAAQS through the review of air quality and emissions data during the second maintenance period. EPA has analyzed the commitments in VADEQ's submittal and is proposing to determine that they meet the requirements for continued air quality monitoring and verification of continued attainment.

D. Contingency Plan

The contingency plan provisions are designed to promptly correct or prevent a violation of the NAAQS that might occur after redesignation of an area to attainment. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation of the contingency measures, and a time limit for action by

the state. The state should also identify specific indicators to be used to determine when the contingency measures need to be adopted and implemented. The maintenance plan must require that the state will implement all pollution control measures that were contained in the SIP before redesignation of the area to attainment. See section 175(A)(d) of the CAA.

VADEQ's May 25, 2023 submittal includes the following contingency plan for the Fredericksburg Area:

Virginia commits to implement all measures with respect to the control of NO_x and VOC contained in the SIP for the area before redesignation to attainment/maintenance. General conformity requirements and transportation conformity requirements will no longer apply once this maintenance plan expires at the end of the twenty-year maintenance period.

If the ozone monitor in the area registers a fourth-highest, eight-hour average of 0.085 ppm or greater it is considered to have recorded an exceedance of the 1997 ozone NAAQS. One control measure listed in Table 3 in this document will be implemented in the unlikely event that a monitor registers an exceedance.

If the ozone monitor in the area registers a three-year average of the fourth-highest, eight-hour ozone values of 0.085 ppm or greater it is considered to have recorded a violation of the 1997 ozone NAAQS. One additional control measure listed in Table 3 in this document will be implemented in the unlikely event that a monitor registers a violation.

One additional control measure listed in Table 3 in this document will be implemented in the unlikely event that the ozone monitor registers a second violation following the implementation of the first contingency measures.

Ozone Design Values", Office of Air Quality Planning and Standards, dated June 2018, available at www.epa.gov/sites/default/files/2018-06/documents/oa_modelingtsd_updated_2023_modeling_o3_dvs.pdf.

¹⁶ See U.S. EPA, "Air Quality Modeling Technical Support Document for the Updated 2023 Projected

TABLE 3—CONTINGENCY MEASURES FOR THE FREDERICKSBURG MAINTENANCE AREA

Program	Description
Ozone Transport Commission (OTC) Architectural and Industrial (AIM) Coating Model Rule dated October 13, 2014 ¹⁷ .	Rule provides additional requirements reducing emissions from the AIM source category.
OTC Model Rule for Consumer Products dated May 21, 2013 ¹⁸	Rule provides additional requirements reducing emissions from the Consumer Product source category.
OTC Model Rule for Solvent Degreasing dated 2012 ¹⁹	Rule provides additional requirements reducing emissions from the solvent degreasing category.

The following schedule applies to contingency measures should they need to be implemented due to exceedances or violations of the 1997 ozone NAAQS:

- Notification received from EPA that a contingency measure must be implemented or three months after a recorded exceedance or violation is certified.

- Applicable regulation to be adopted 6 months after this date.

- Applicable regulation to be implemented 6 months after adoption.

- Compliance with regulation to be achieved within 12 months of adoption.

EPA proposes to find that the contingency plan included in VADEQ's May 25, 2023 submittal satisfies the pertinent requirements of CAA section 175A(d). EPA also finds that the submittal acknowledges Virginia's continuing requirement to implement all pollution control measures that were contained in the SIP before redesignation of the Fredericksburg Area to attainment.

E. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA 176(c)(1)(B)). EPA's conformity rule at 40 CFR part 93 requires that transportation plans, programs and projects conform to SIPs and establish the criteria and procedures for determining whether or not they conform. The conformity rule generally requires a demonstration that emissions from the Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) are consistent with the motor vehicle emissions budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). An MVEB

is defined as "that portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the NAAQS, for any criteria pollutant or its precursors, allocated to highway and transit vehicle use and emissions (40 CFR 93.101)." Under the conformity rule, LMP areas may demonstrate conformity without a regional emission analysis (40 CFR 93.109(e)). EPA made findings that the MVEBs in the first 10-years of the 1997 8-hour ozone maintenance plan for the Fredericksburg Area were adequate for transportation conformity purposes. In a **Federal Register** notice published on December 23, 2005 (70 FR 76165), EPA notified the public of the adequacy finding for the Fredericksburg Area through a final rule; the adequacy determination for the Fredericksburg Area became effective on January 23, 2006. After approval of an adequacy finding for the Fredericksburg Area LMP, there is no requirement to meet the budget test pursuant to the transportation conformity rule for the respective maintenance area. All actions that would require a transportation conformity determination for the Fredericksburg Area under EPA's transportation conformity rule provisions are considered to have already satisfied the regional emissions analysis and "budget test" requirements in 40 CFR 93.118 as a result of EPA's adequacy finding for the LMP. See 69 FR 40004 (July 1, 2004).

However, because LMP areas are still maintenance areas, certain aspects of transportation conformity determinations still will be required for transportation plans, programs, and projects. Specifically, for such determination, RTPs, TIPs, and transportation projects still will have to demonstrate that they are fiscally constrained (40 CFR 93.108), meet the criteria for consultation (40 CFR 93.105 and 93.112) and satisfy transportation control measure implementation in the conformity rule provisions (40 CFR

93.113). Additionally, conformity determinations for RTPs and TIPs must be determined no less frequently than every four years, and conformity of transportation plan and TIP amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104. In addition, for projects to be approved, they must come from a currently conforming RTP and TIP (40 CFR 93.114 and 93.115). The Fredericksburg Area remains under the obligation to meet the applicable conformity requirements for the 1997 ozone NAAQS.

III. Proposed Action

EPA's review of VADEQ's May 25, 2023 submittal indicates that it meets all applicable CAA requirements, specifically the requirements of CAA section 175A. EPA is proposing to approve the second maintenance plan for the Fredericksburg Area as a revision to the Virginia SIP. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) "privilege" for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides

¹⁷ [otcair.org/upload/Documents/Model%20Rules/AIM_Preamble_Model_Rule.pdf](https://www.epa.gov/otcair/upload/Documents/Model%20Rules/AIM_Preamble_Model_Rule.pdf).

¹⁸ [otcair.org/upload/Documents/Model%20Rules/OTC%20CP%20Model%20Rule%20Final%20Clean%202013%20Revision%20Clean.pdf](https://www.epa.gov/otcair/upload/Documents/Model%20Rules/OTC%20CP%20Model%20Rule%20Final%20Clean%202013%20Revision%20Clean.pdf).

¹⁹ [otcair.org/upload/Documents/Model%20Rules/2011%20OTC%20Model%20Rule%20for%20Solvent%20Degreasing.pdf](https://www.epa.gov/otcair/upload/Documents/Model%20Rules/2011%20OTC%20Model%20Rule%20for%20Solvent%20Degreasing.pdf).

a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information “required by law,” including documents and information “required by Federal law to maintain program delegation, authorization or approval,” since Virginia must “enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts” The opinion concludes that “[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.”

Virginia’s Immunity law, Va. Code Sec. 10.1–1199, provides that “[t]o the extent consistent with requirements imposed by Federal law,” any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General’s January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any federally authorized programs, since “no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.”

Therefore, EPA has determined that Virginia’s Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at

any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, 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 proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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 an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act;

The SIP is not approved to apply on any Indian reservation land as defined in 18 U.S.C. 1151 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 pertaining to Virginia’s second maintenance plan for the Fredericksburg area 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 minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The VADEQ did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide Ozone, Volatile organic compounds.

Adam Ortiz,

Regional Administrator, Region III.

[FR Doc. 2024–02395 Filed 2–5–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[FF09E21000 FXES1111090FEDR245]

Endangered and Threatened Wildlife and Plants; Two Species Not Warranted for Listing as Endangered or Threatened Species**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notification of findings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce findings that two species are not warranted for listing as endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). After a thorough review of the best available scientific and commercial information, we find that it is not warranted at this time to list the north Oregon coast distinct population segment (DPS) of the red tree vole

(*Arborimus longicaudus*) and Plateau spot-tailed earless lizard (*Holbrookia lacerata*). However, we ask the public to submit to us at any time any new information relevant to the status of either of the species mentioned above or their habitats.

DATES: The findings in this document were made on February 6, 2024.

ADDRESSES: Detailed descriptions of the bases for these findings are available on the internet at <https://www.regulations.gov> under the following docket numbers:

Species	Docket No.
North Oregon coast DPS of red tree vole	FWS-R1-ES-2023-0259
Plateau spot-tailed earless lizard	FWS-R2-ES-2023-0260

Those descriptions are also available by contacting the appropriate person as specified under **FOR FURTHER INFORMATION CONTACT**. Please submit any

new information, materials, comments, or questions concerning this finding to the appropriate person, as specified

under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

Species	Contact information
North Oregon coast DPS of red tree vole	Kessina Lee, State Supervisor, Oregon Fish and Wildlife Office, 971-442-0560, kessina_lee@fws.gov .
Plateau spot-tailed earless lizard	Karen Myers, Field Supervisor, Austin Ecological Services Field Office, 512-937-7371, karen_myers@fws.gov .

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:**Background**

Under section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*), we are required to make a finding on whether or not a petitioned action is warranted within 12 months after receiving any petition that we have determined contains substantial scientific or commercial information indicating that the petitioned action may be warranted ("12-month finding"). We must make a finding that the petitioned action is: (1) Not warranted; (2) warranted; or (3) warranted, but precluded by other listing activity. We must publish a notification of these 12-month findings in the **Federal Register**.

Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations at

part 424 of title 50 of the Code of Federal Regulations (50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Lists of Endangered and Threatened Wildlife and Plants (Lists). The Act defines "species" as including any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature. The Act defines "endangered species" as any species that is in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)), and "threatened species" as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)). Under section 4(a)(1) of the Act, a species may be determined to be an endangered species or a threatened species because of any of the following five factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term "threat" to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term "threat" includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term "threat" may encompass—either together or separately—the source of the action or condition or the action or condition itself. However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an "endangered species" or a "threatened species." In determining whether a species meets either definition, we must evaluate all identified threats by

considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary of the Interior determines whether the species meets the Act's definition of an "endangered species" or a "threatened species" only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term "foreseeable future," which appears in the statutory definition of "threatened species." Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term "foreseeable future" extends only so far into the future as the Service can reasonably determine that both the future threats and the species' responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. "Reliable" does not mean "certain"; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

In conducting our evaluation of the five factors provided in section 4(a)(1) of the Act to determine whether the north Oregon coast DPS of red tree vole or Plateau spot-tailed earless lizard meet the Act's definition of "endangered species" or "threatened species," we considered and thoroughly evaluated the best scientific and commercial information available regarding the past,

present, and future stressors and threats. We reviewed the petitions, information available in our files, and other available published and unpublished information for all of these species. Our evaluation may include information from recognized experts; Federal, State, and Tribal governments; academic institutions; foreign governments; private entities; and other members of the public.

In accordance with the regulations at 50 CFR 424.14(h)(2)(i), this document announces the not-warranted findings on petitions to list two species. We have also elected to include brief summaries of the analyses on which these findings are based. We provide the full analyses, including the reasons and data on which the findings are based, in the decisional file for each of the two actions included in this document. The following is a description of the documents containing these analyses:

The species assessment forms for the north Oregon coast DPS of red tree vole and Plateau spot-tailed earless lizard contain more detailed biological information, a thorough analysis of the listing factors, a list of literature cited, and an explanation of why we determined that these species do not meet the Act's definition of an "endangered species" or a "threatened species." To inform our status reviews, we completed species status assessment (SSA) reports for these two species. Each SSA report contains a thorough review of the taxonomy, life history, ecology, current status, and projected future status for each species. This supporting information can be found on the internet at <https://www.regulations.gov> under the appropriate docket number (see **ADDRESSES**, above). Our analyses for these decisions applied our current regulations, portions of which were last revised in 2019. Given that we proposed further revisions to these regulations on June 22, 2023 (88 FR 40764), we have also analyzed whether the decisions would be different if we were to apply those proposed revisions. We concluded that the decisions would have been the same if we had applied the proposed 2023 regulations. The analyses under both the regulations currently in effect and the regulations after incorporating the June 22, 2023, proposed revisions are included in our decision file for each action.

North Oregon Coast DPS of the Red Tree Vole

Previous Federal Actions

On June 18, 2007, we received a petition from the Center for Biological

Diversity, Oregon Chapter of the Sierra Club, Audubon Society of Portland, Cascadia Wildlands Project, and Oregon Wild to list the dusky tree vole (*Arborimus longicaudus silvicola*). Alternatively, if we found the dusky tree vole was not a valid subspecies, the petition requested that we list either the north Oregon coast population of the red tree vole as a DPS or the red tree vole (*A. longicaudus*) throughout all of its range as an endangered or threatened species under the Act (16 U.S.C. 1531 *et seq.*).

On October 28, 2008, we published a 90-day finding in the **Federal Register** (73 FR 63919) concluding that the petition presented substantial information indicating that listing the north Oregon coast DPS of the red tree vole may be warranted, and we initiated a status review. During that review, we concluded that the dusky tree vole is not a valid subspecies.

On October 13, 2011, we published a 12-month finding in the **Federal Register** (76 FR 63720) in which we stated that listing the north Oregon coast population of the red tree vole as a DPS was warranted primarily due to habitat loss. However, listing was precluded at that time by higher priority actions, and the DPS of the red tree vole was added to our candidate species list.

From 2012 through 2016, we addressed the status of the north Oregon coast DPS of the red tree vole annually in our candidate notice of review, with the determination that listing was warranted but precluded (see 77 FR 69994, November 21, 2012; 78 FR 70104, November 22, 2013; 79 FR 72450, December 5, 2014; 80 FR 80584, December 24, 2015; 81 FR 87246, December 2, 2016). Our 2019 candidate notice of review (84 FR 54732, October 10, 2019) retained that determination and also stated that we were working on a thorough review of all available data for the DPS.

On December 19, 2019, after completing a species status assessment, we published a 12-month finding in the **Federal Register** (84 FR 69707) determining that the north Oregon coast DPS of the red tree vole was not warranted for listing as an endangered or threatened species under the Act.

The 2007 petitioners (except for the Oregon Chapter of the Sierra Club) filed a complaint in March 2021 challenging our December 19, 2019, not-warranted finding. We reached a settlement agreement with the petitioners, which was approved by the court on May 23, 2022, to withdraw our 2019 not-warranted finding and submit a new 12-month finding to the Office of the Federal Register by January 31, 2024. In

accordance with the settlement agreement, on October 19, 2022, we withdrew our 2019 12-month not-warranted finding (87 FR 63472), effectively returning the DPS to our candidate list, and initiated a new species status assessment to inform a new 12-month finding. This document constitutes our new 12-month finding as to whether the north Oregon coast DPS of the red tree vole warrants listing as an endangered or threatened species under the Act. In addition, in a memorandum to the file (Service 2023a, entire), we explain differences between this and previous findings, and highlight new information that became available after our 2019 determination.

Summary of Finding

The red tree vole is an arboreal mouse-sized rodent found in western Oregon south to northwestern California, with the north Oregon coast DPS of the red tree vole (hereinafter “tree vole”) occurring in the northwestern quarter of the species’ range. The DPS area is made up mostly (69 percent) of private lands including industrial timber forests; the remaining DPS area comprises Federal land managed primarily by the U.S. Forest Service and the U.S. Bureau of Land Management (17 percent), State land managed primarily as State forest (12 percent), and 1 percent or less each of land owned by counties or municipalities, Tribes, or nongovernmental organizations.

Tree voles live and nest in the canopy of conifer forests and feed primarily on Douglas fir (*Pseudotsuga menziesii*) needles or, in one narrow region within the DPS, alternatively on Sitka spruce (*Picea sitchensis*) and western hemlock (*Tsuga heterophylla*) needles. They rarely come to the ground, where they are vulnerable to predation, except if needed on occasion to move between trees. The species’ needs are met in conifer stands with (1) trees large enough to supply sufficient food, or with smaller trees connected to each other by adjoining branches; (2) available structures to support nests; (3) connected tree canopies to facilitate breeding and dispersal; and (4) sufficiently large populations with intervening forest matrix between them to provide connectivity. These features may be present in young forests but are more common in older (80 years or more), taller, structurally complex forests.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the tree vole, and we evaluated all relevant factors under

the five listing factors, including any regulatory mechanisms and conservation measures addressing these threats. The primary threats affecting the tree vole’s biological status include habitat loss and fragmentation, timber harvest, and wildfire, Swiss needle cast disease, and vegetation shift as influenced by climate change. We used published tree vole habitat models to derive population areas based on habitat patches large enough to accommodate approximately 100 or more individuals, which resulted in 52 population areas within 17 geographic units that represent potential meta-populations.

We modeled resiliency of population areas based on the estimated habitat capacity and effective population size ratio of each population area. We developed an overall resiliency rating for each geographic unit by combining population-area resiliency ratings with measures of connectivity, which we based on distance to neighboring populations both within and between geographic units. Currently, 12 of the 17 tree vole geographic units have moderate or high resiliency and are well-distributed across the northern and southern regions of the DPS and across both vegetation zones found in the DPS, indicating adequate redundancy and representation. As such, we found that the tree vole is not currently at risk of extinction (*i.e.*, endangered) throughout the DPS.

Thus, we proceed with determining whether the species is likely to become endangered within the foreseeable future throughout all of its range (*i.e.*, threatened). We assessed future resiliency out to approximately 2080 under two future scenarios, one representing a lower plausible future condition and one representing an upper plausible future condition. In modeling future resiliency, we considered population-area resiliency and connectivity as we did for the current condition, but we also considered the future effect of Swiss needle cast disease and potential vegetation shifts as influenced by climate change. We also assessed future redundancy by analyzing the risk of catastrophic fire, considering potential fire size based on the perimeter of the most catastrophic wildfires from the past 200 years, relative suitability for fire, and potential fire severity as determined by the land management type.

Under the upper plausible future scenario, 12 of the 17 geographic units are projected to be highly resilient and are well distributed across the northern and southern regions of the DPS and in both vegetation zones, indicating

adequate resiliency, redundancy, and representation. Under the lower plausible future scenario, more geographic units are projected to decline into low condition or become extirpated, but the DPS would still maintain multiple large and connected geographic units in moderate condition, spanning both the northern and southern regions of the DPS. Although under this scenario there would be a reduction in representation if the Sitka spruce vegetation zone were lost due to extreme vegetation shift caused by climate change, we expect that, because the largest of the units would remain in moderate condition, they would provide adequate resiliency and redundancy for the DPS. As such, we determined that the tree vole is not likely to become endangered within the foreseeable future throughout its range under either the upper or lower plausible future scenarios.

We also evaluated whether the north Oregon coast DPS of red tree vole is endangered or threatened in a significant portion of its range. We did not find any portions of the north Oregon coast DPS of red tree vole’s range for which both (1) the portion is significant; and (2) the species is in danger of extinction in that portion, either now or within the foreseeable future. Thus, after assessing the best available information, we conclude that the north Oregon coast DPS of red tree vole is not in danger of extinction in a significant portion of its range now, or within the foreseeable future.

After assessing the best available information, we concluded that the tree vole is not in danger of extinction or likely to become in danger of extinction throughout all of its range or in any significant portion of its range. Therefore, we find that listing the tree vole as an endangered species or threatened species under the Act is not warranted. A detailed discussion of the basis for this finding can be found in the tree vole species assessment form and other supporting documents, which are available on <https://www.regulations.gov> under docket number FWS-R1-ES-2023-0259.

Peer Review

In accordance with our July 1, 1994, peer review policy (59 FR 34270; July 1, 1994) and the Service’s August 22, 2016, Director’s Memo on the Peer Review Process, we solicited independent scientific reviews of the information contained in the 2023 tree vole SSA report. The Service sent the SSA report to three independent peer reviewers and received two responses. We also received seven technical reviews on the

SSA report. Results of this structured peer review process can be found at <https://www.regulations.gov> under docket number FWS-R1-ES-2023-0259. We incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this finding.

Plateau Spot-Tailed Earless Lizard

Previous Federal Actions

On January 13, 2010, we received a petition from WildEarth Guardians requesting that the Service list the spot-tailed earless lizard (*Holbrookia lacerata*) as a threatened or endangered species and designate critical habitat under the Act. In a July 19, 2010, letter to the petitioner, the Service acknowledged receipt of the petition. On May 24, 2011, the Service published a 90-day finding on the spot-tailed earless lizard, stating that the petition presented substantial scientific information indicating that listing may be warranted (76 FR 30082). In 2019, the two subspecies known as *H. l. lacerata* and *H. l. subcaudalis* were formally described as full species, and the common name for the updated entity of *H. lacerata* became the Plateau spot-tailed earless lizard (used herein). The status of the entity now referred to as *H. subcaudalis* is being evaluated separately. This document constitutes our 12-month finding on the January 13, 2010, petition to list the Plateau spot-tailed earless lizard under the Act.

Summary of Finding

The Plateau spot-tailed earless lizard is a small, ground-dwelling lizard found in central and western Texas, primarily within the Edwards Plateau region. The Colorado River forms the northern boundary, and the Balcones Escarpment serves as the southern boundary of the species' range. The Plateau spot-tailed earless lizard is found in habitats broadly defined as grasslands or historical grasslands (*e.g.*, mesquite savannahs, prairies, flat stony plateaus, agricultural fields). In the part of the species' range that would otherwise succeed into shrublands or forests, the habitat is associated with frequent disturbance from herbivory and fire. In other parts of the species' range, soils and climate characteristics limit the development of shrublands and forests, maintaining a more open, grass-dominated vegetation community.

Plateau spot-tailed earless lizards spend most of their time underground and are able to self-bury under loose soil or utilize existing animal burrows or soil fissures for shelter. They need minimal woody plant canopy cover,

open areas with bare soil, and warm, sunny days so that they can bask and increase their internal body temperature before moving around on the surface. The Plateau spot-tailed earless lizard is believed to be a sit-and-wait predator and an "opportunistic generalist" in terms of diet, which includes a variety of arthropods (*e.g.*, beetles, grasshoppers, and termites).

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the Plateau spot-tailed earless lizard, and we evaluated all relevant factors under the five listing factors, including any regulatory mechanisms and conservation measures addressing these threats. The primary threats affecting the Plateau spot-tailed earless lizard's biological status include habitat loss and modification due to development, suppression of disturbance processes, grazing practices, and vehicle strikes. We also examined a number of other factors including climate change, energy development, red-imported fire ants, and pesticides, but these factors did not rise to such a level that they affected the species as a whole. The impact of red-imported fire ants, which was identified as a substantial threat in the petition, likely occurred primarily during the period of invasion in the 1930s or 1940s, but the consequences of that invasion have played out and the presence of red-imported fire ants does not pose a significant threat to the Plateau spot-tailed earless lizard today.

While there are several stressors to the species, the Plateau spot-tailed earless lizard currently occupies an area roughly the size of its historical range. The Plateau spot-tailed earless lizard has multiple resilient populations in three of the six ecoregions it occupies in central and western Texas, which is an indication that the species has redundancy. Habitat loss and modification is the primary factor influencing the species' rangewide; however, 13 population analysis units comprising 91 percent of the land within the range of the species are currently in moderate to high condition. While land management has changed over time, this land management has not resulted in substantial changes to habitat conditions across the species' range, and most population analysis units are highly resilient based on the current proportion of suitable habitat. Similarly, most population analysis units are highly resilient based on the current level of traffic intensity. The threats of habitat loss and modification and vehicle strikes appear to be impacting a small proportion of the

species' range. Overall, the majority of population analysis units and a majority of the areas in the population analysis units are characterized by populations with the ability to withstand stochastic events (*e.g.*, disturbance).

The Plateau spot-tailed earless lizard has maintained representation similar to historical levels, thereby maintaining its ability to adapt to environmental change. The threats to date have not significantly affected the species' viability. The SSA report describes some of the uncertainties about potential threats and the species' response to these potential threats, but the best available information indicates the risk of extinction is low. Therefore, we conclude that the Plateau spot-tailed earless lizard is not in danger of extinction throughout all of its range and does not meet the definition of an endangered species.

Thus, we proceed with determining whether the species is likely to become endangered within the foreseeable future throughout all of its range (*i.e.*, threatened). The SSA report's analysis of future scenarios through 2050 encompasses the best available information for future projections of habitat suitability (*i.e.*, tree and shrub encroachment) and traffic intensity (*i.e.*, road mortality). We determined that this timeframe enabled us to consider the threats/stressors acting on the species and draw reliable predictions about the species' response in the 20 years following these factors (*i.e.*, 10 generations, to the year 2070) because it provides a reasonable timeframe to assess the effects of environmental changes. Based on our two plausible future scenarios, we projected that 7 to 10 population analysis units comprising 69 to 77 percent of the area occupied by the species will have moderate to high resiliency in the future; thus, these populations will have the ability to withstand stochastic events. In both scenarios, the species is expected to maintain redundancy at the scale of its entire range and to maintain representation because it will continue to be distributed throughout most of its known historical range. Therefore, after assessing the best available information, we conclude that the Plateau spot-tailed earless lizard does not meet the definition of a threatened species because it is not likely to become endangered within the foreseeable future throughout all of its range.

We also evaluated whether the Plateau spot-tailed earless lizard is endangered or threatened in a significant portion of its range. We did not find any portions of the Plateau spot-tailed earless lizard's range for

which both (1) the portion is significant, and (2) the species is in danger of extinction in that portion, either now or within the foreseeable future. Thus, after assessing the best available information, we conclude that the Plateau spot-tailed earless lizard is not in danger of extinction in a significant portion of its range now, or within the foreseeable future.

After assessing the best available information, we concluded that the Plateau spot-tailed earless lizard is not in danger of extinction or likely to become in danger of extinction throughout all of its range or in any significant portion of its range. Therefore, we find that listing the Plateau spot-tailed earless lizard as an endangered species or threatened species under the Act is not warranted. A detailed discussion of the basis for this finding can be found in the Plateau spot-tailed earless lizard species assessment form and other supporting documents, which are available on <https://www.regulations.gov> under docket number FWS-R2-ES-2023-0260.

Peer Review

In accordance with our July 1, 1994, peer review policy (59 FR 34270; July 1, 1994) and the Service's August 22, 2016, Director's Memo on the Peer Review Process, we solicited independent scientific reviews of the information contained in the Plateau spot-tailed earless lizard SSA report. The Service sent the SSA report to three independent peer reviewers and received three responses. Results of this structured peer review process can be found at <https://www.regulations.gov> under docket number FWS-R2-ES-2023-0260. We incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this finding.

New Information

We request that you submit any new information concerning the taxonomy of, biology of, ecology of, status of, or stressors to the north Oregon coast DPS of red tree vole or Plateau spot-tailed earless lizard to the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**, whenever it becomes available. New information will help us monitor these species and make appropriate decisions about their

conservation and status. We encourage local agencies and stakeholders to continue cooperative monitoring and conservation efforts.

References

A complete list of the references used in these petition findings is available in the relevant species assessment form, which is available on the internet at <https://www.regulations.gov> in the appropriate docket (see **ADDRESSES**, above) and upon request from the appropriate person (see **FOR FURTHER INFORMATION CONTACT**, above).

Authors

The primary authors of this document are the staff members of the Species Assessment Team, Ecological Services Program.

Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2024-02287 Filed 2-5-24; 8:45 am]

BILLING CODE 4333-15-P

Notices

Federal Register

Vol. 89, No. 25

Tuesday, February 6, 2024

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by March 7, 2024. Written comments and recommendations for the proposed information collection should be submitted, identified by docket number 0535–0264, within 30 days of the publication of this notice by any of the following methods:

- *Email:* ombofficer@nass.usda.gov. Include docket number above in the subject line of the message.

- *E-fax:* 855–838–6382.

- *Mail:* Mail any paper, disk, or CD-ROM submissions to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

- *Hand Delivery/Courier:* Hand deliver to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

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

National Agricultural Statistics Service (NASS)

Title: Conservation Practice Adoption Motivations Survey—Substantive Change.

OMB Control Number: 0535–0272.

Summary of Collection: General authority for these data collection activities is granted under U.S. Code title 7, section 2204 which specifies that “The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . .”. The primary objective of the National Agricultural Statistics Service (NASS) is to provide data users with timely and reliable agricultural production and economic statistics, as well as environmental and specialty agricultural related statistics. To accomplish this objective, NASS relies on the use of diverse surveys that show changes within the farming industry over time.

The National Agricultural Statistics Service (NASS) is requesting a substantive change to the Conservation Practice Adoption Motivations Survey (CPAMS) information collection request (OMB No. 0535–0272) to target producers who own or operate grazing land and/or forestry for the 2024 survey. There will be two versions of the 2024 Conservation Practice Adoption Motivations Survey. The 2024 CPAMS will obtain practice, technical assistance, financial assistance, and obtain likert question data about motivations for grazing and forestry operations.

This change will increase the total approved burden, which already targets producers who own or operate cropland and confined livestock operations.

NRCS voluntary conservation programs seek to leverage long-term changes in the use of crop, livestock, and forestry practices that conserve resources and protect the environment. NRCS accomplishes this goal by providing technical and financial assistance to producers/landowners who agree to adopt or install conservation practices. While NRCS programs seek to leverage long-term changes in conservation behavior, farmers and landowners ultimately decide whether to continue or expand adopted practices typically without ongoing financial assistance. The CPAMS surveys aid in this goal for NRCS.

Need and Use of the Information:

These changes will allow useful and relevant data to be collected from grazing and forestry operations.

Description of Respondents: Farms and Ranches; Forest operations.

Number of Respondents: 78,200.

Frequency of Responses: Reporting: Once per year.

Total Burden Hours: 77,237.

Levi Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–02304 Filed 2–5–24; 8:45 am]

BILLING CODE 3410–20–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 March 7, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

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

Animal and Plant Health Inspection Service

Title: Importation of Live Swine, Pork and Pork Products, and Swine Semen from the European Union.

OMB Control Number: 0579–0218.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The Law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The AHPA is contained in title X, subtitle E, sections 10401–18 of Public Law 107–171, dated May 13, 2002, the Farm Security and Rural Investment Act of 2002. Disease prevention is the most effective method to maintain a healthy animal population and for enhancing the United States’ ability to compete in the world market of animal and animal product trade.

The Animal and Plant Health Inspection Service (APHIS) regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases not present or prevalent here.

Need and Use of the Information: APHIS will collect information using an Application for Import or in Transit Permit, concerning the origin and history of the items destined for importation into the United States. APHIS will also collect information to ensure that swine, pork and pork products, and swine semen pose a negligible risk of introducing exotic swine diseases into the United States. A Declaration of Importation form is also used to collect information in this collection. Collecting this information less frequently or failing to collect it

would increase the chances of CSF and other swine diseases being introduced into the United States.

Description of Respondents: Foreign federal governments and businesses.

Number of Respondents: 16.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 7,230.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–02300 Filed 2–5–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Chippewa National Forest Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Chippewa National Forest Resource Advisory Committee (RAC) will hold a public meeting according to the details 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 on the Chippewa National Forest within Beltrami, Cass, and Itasca counties.

DATES: An in-person and virtual meeting will be held on Wednesday, February 28, 2024, from 6–9 p.m., central standard time (CST). A virtual meeting will be held on Thursday, February 29, 2024, from 6–9 p.m. CST.

Written and Oral Comments: Anyone wishing to provide in-person and/or virtual oral comments must pre-register by 11:59 p.m. CST on February 23, 2024. Written public comments will be accepted up to 11:59 p.m. CST on February 23, 2024. Comments submitted after this date will be provided to the Forest Service, but the Committee may not have adequate time to consider those comments prior to the meeting.

All RAC 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 and virtually at the Deer River Ranger District, 1235 Division Street

Deer River, Minnesota 56636. The public may also join virtually via webcast, teleconference, videoconference, and/or Homeland Security Information Network (HSIN) virtual meeting at: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTRiM2YyMGEtNGZjMC00MWMzLTkxNTUtMjliMDYyMmQyNjA3%40thread.v2/0?context=%7b%22Tid%22%3a%22ed5b36e7-01ee-4ebc-867e-e03cfa0d4697%22%2c%22Oid%22%3a%22a959ddce-9911-4a23-9ffb-224282e5484e%22%7d or by phone +1 202–650–0123, 371855221#. Chippewa National Forest RAC information and meeting details can be found at the following website: <https://www.fs.usda.gov/main/chippewa/workingtogether/advisorycommittees> or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments: Written comments must be sent by email to todd.tisler@usda.gov or via mail (i.e., postmarked) to Chippewa National Forest, Attn: Todd Tisler, 200 Ash Ave. NW, Cass Lake, Minnesota 56633. 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. CST on February 26, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to todd.tisler@usda.gov or by mail to Chippewa National Forest, Attn: Todd Tisler, 200 Ash Ave. NW, Cass Lake, Minnesota 56633.

FOR FURTHER INFORMATION CONTACT: Michael Stansberry, Designated Federal Officer (DFO), by phone at 218–335–8600 or email at michael.stansberry@usda.gov or Todd Tisler, Chippewa National Forest Resource Advisory Committee Coordinator, by phone at 218–335–8629 or email at todd.tisler@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Hear from Title II project submissions and discuss project proposals;
2. Make funding recommendations on title II projects;
3. Approve meeting minutes; and
4. Schedule the next meeting.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by February 23, 2024, 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 in account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities. USDA is an equal opportunity provider, employer, and lender.

Dated: January 31, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-02334 Filed 2-5-24; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Pacific Northwest National Scenic Trail Advisory Council; Withdrawal

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting; withdrawal.

SUMMARY: The Forest Service is withdrawing the notice, "Pacific Northwest National Scenic Trail Advisory Council, Notice of Meeting," published in the **Federal Register** on January 17, 2024.

FOR FURTHER INFORMATION CONTACT: Jeff Kitchens, Designated Federal Officer (DFO), by email at jeffrey.kitchens@usda.gov, via mail (*i.e.*, postmarked) to Jeff Kitchens, 63095 Deschutes Market Road, Bend, OR 97701 or by phone at (458) 899-6185.

SUPPLEMENTARY INFORMATION: The Forest Service is withdrawing the notice published in the **Federal Register** on January 17, 2024, at 89 FR 2918 (FR Doc. 2024-00785).

Dated: January 31, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-02333 Filed 2-5-24; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Northeast Oregon Forests Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Northeast Oregon Forests 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 (FACA). 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 to make recommendations on recreation fee proposals for sites on the Malheur, Umatilla, and Wallowa-Whitman National Forests, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on February 21, 2024, 10

a.m.–3 p.m., Pacific standard time (PST).

Written and Oral Comments: Anyone wishing to provide in-person or virtual oral comments must pre-register by 11:59 p.m. PST on February 12, 2024. Written public comments will be accepted up to 11:59 p.m. PST on February 15, 2024. Comments submitted after this date will be provided to the Forest Service, but the Committee may not have adequate time to consider those comments prior to the meeting.

All RAC 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 and virtually at the Wallowa-Whitman National Forest Supervisors' Office located at 1550 Dewey Avenue, Suite A, Baker City, Oregon 97814. The public may also join virtually via teleconference or videoconference. RAC information and meeting details can be found at the following websites: <https://www.fs.usda.gov/main/malheur/workingtogether/advisorycommittees>, <https://www.fs.usda.gov/main/umatilla/workingtogether/advisorycommittees>, <https://www.fs.usda.gov/main/wallowa-whitman/workingtogether/advisorycommittees> or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to darren.goodding@usda.gov or via mail (*i.e.*, postmarked) to Darren Goodding, 1550 Dewey Ave., Suite A, Baker City, Oregon 97814. 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. PST, February 12, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to darren.goodding@usda.gov or via mail (*i.e.*, postmarked) to Darren Goodding, 1550 Dewey Avenue, Suite A, Baker City, Oregon 97814.

FOR FURTHER INFORMATION CONTACT: Darren Goodding, Designated Federal Officer (DFO), by phone at 541-523-1238 or email at darren.goodding@usda.gov or Walter Lowell, RAC Coordinator, at 541-523-1271 or email at walter.lowell@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Elect a Co-Chair or a new Chairperson;
2. Review and discuss title II project proposals;

3. Make funding recommendations on Title II projects;
4. Discuss percentage and use of indirect cost funds;
5. Discuss development of a Standard Operating Procedure for the RAC;
6. Schedule the next meeting; and
7. Other.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 10 days after the meeting date listed under **DATES**.

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

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

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

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken in account the needs of the diverse groups served by USDA, membership shall include to the extent

possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities. USDA is an equal opportunity provider, employer, and lender.

Dated: January 31, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024-02336 Filed 2-5-24; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-475-841]

Forged Steel Fluid End Blocks From Italy: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Administrative Review, in Part; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that countervailable subsidies were provided to producers and exporters of forged steel fluid end blocks (fluid end blocks) from Italy, during the period of review (POR) January 1, 2022 through, December 31, 2022. In addition, Commerce is rescinding this review, in part, with respect to 19 companies. Interested parties are invited to comment on these preliminary results.

DATES: February 6, 2024.

FOR FURTHER INFORMATION CONTACT: Nicholas Czajkowski or Claudia Cott, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1395 or (202) 482-4270, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 29, 2021, Commerce published in the **Federal Register** the countervailing duty order on fluid end blocks from Italy.¹ On January 3, 2023, Commerce published in the **Federal**

¹ See *Forged Steel Fluid End Blocks from the People's Republic of China, the Federal Republic of Germany, India, and Italy: Countervailing Duty Orders, and Amended Final Affirmative Countervailing Duty Determination for the People's Republic of China*, 86 FR 7535 (January 29, 2021) (Order); see also *Forged Steel Fluid End Blocks from the People's Republic of China, the Federal Republic of Germany, India, and Italy: Correction to Countervailing Duty Orders*, 86 FR 10244 (February 19, 2021).

Register the notice of initiation of an administrative review of the Order.² On June 23, 2023, Commerce selected Lucchini Mame Forge S.p.A. (Lucchini), and Metalcam S.p.A. (Metalcam) for individual examination as the mandatory respondents in this review.³ On September 12, 2023, Commerce extended the deadline for the preliminary results of this review until January 31, 2024.⁴

For a complete description of the events that followed the initiation of this administrative review, see the Preliminary Decision Memorandum.⁵ A list of topics discussed in the Preliminary Decision Memorandum is included in Appendix I of this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The merchandise subject to the Order is fluid end blocks from Italy. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.

Rescission of Administrative Review, In Part

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when there are no reviewable suspended entries. Based on our analysis of U.S. Customs and Border Protection (CBP) information, we preliminarily determine that 19 companies had no entries of subject merchandise during the POR. On January 9, 2024, we notified parties of our intent to rescind this administrative review, in part, with respect to the 19 companies that have no reviewable

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 15642, (March 14, 2023).

³ See Memorandum, "Respondent Selection," dated June 23, 2023.

⁴ See Memorandum, "Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2022," dated September 12, 2023.

⁵ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Forged Steel Fluid End Blocks from Italy; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

suspended entries.⁶ No parties commented on our intent to rescind the review, in part. Therefore, we are rescinding the administrative review, in part, with respect to these 19 companies listed in Appendix II of this notice.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be 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.⁷ For a full description of the methodology underlying our conclusions, including our reliance, in part, on facts otherwise available pursuant to sections 776(a) and (b) of the Act, see the Preliminary Decision Memorandum.

Rate For Non-Selected Companies Under Review

There are two companies, Officine Meccaniche Roselli S.r.l. (Roselli) and Cogne Acciai Speciali S.p.A. (Cogne) for which a review was requested, which had reviewable entries, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. For these companies, because the rates calculated for the mandatory respondents, Lucchini and Metalcam, were above *de minimis* and not based entirely on facts available, and because neither mandatory respondent provided publicly ranged sales data, we are applying to the non-selected companies a rate using the simple average of the individual subsidy rates calculated for Lucchini and Metalcam. This methodology is consistent with our practice for establishing an all-others rate pursuant to section 705(c)(5)(A) of the Act.⁸

Preliminary Results of Review

Commerce preliminarily determines that the following net countervailable subsidy rates exist for the period January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent ad valorem)
Lucchini Mame Forge S.p.A. ⁹	5.87
Metalcam S.p.A. ¹⁰	3.41
Review-Specific Average Rate Applicable to the Following Companies:	
Officine Meccaniche Roselli S.r.l.	4.64
Cogne Acciai Speciali S.p.A	4.64

Disclosure and Public Comment

We intend to disclose our calculations performed for these preliminary results to interested parties within five days after the date of publication of this notice.¹¹ Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of these preliminary results of review.¹² 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.¹³ 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.¹⁴

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 review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁵ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for

Lucchini RS S.p.A.; Lucchini Industries Srl; and Bicomet S.p.A.

¹⁰ Commerce has found the following companies to be cross-owned with Metalcam: Adamello Meccanica S.r.l.; and B.S. S.r.l.

¹¹ See 19 CFR 351.224(b).

¹² See 19 CFR 351.309(c)(2) and (d)(2).

¹³ 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 Final Service Rule).

¹⁴ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁵ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

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).¹⁶

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party’s name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce’s electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.221(b)(4)(i), we preliminarily determined subsidy rates in the amounts shown above for the producer/exporters shown above. Upon issuance of the final results of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review.

For the companies for which this review is rescinded with these preliminary results, we will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2022, through December 31, 2022, in accordance with 19 CFR 351.212(c)(1)(i). For the companies remaining in the review, we intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S.

¹⁶ See APO and Final Service Rule.

⁶ See Memorandum, “Intent to Rescind Review, in Part,” dated January 16, 2024.

⁷ 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.

⁸ See Memorandum, “Calculation of Non-Selected Companies Rate,” dated concurrently with, and hereby adopted by, this notice; see also Preliminary Decision Memorandum.

⁹ Commerce preliminarily finds the following companies to be cross-owned with Lucchini:

Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends upon publication of the final results, to instruct CBP to collect cash deposits of the estimated countervailing duties in the amounts calculated in the final results of this review for the respective companies listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. If the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results of review are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: January 31, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope the *Order*
- IV. Rescission of Administrative Review, in Part
- V. Non-Selected Companies Under Review
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Subsidies Valuation
- VIII. Analysis of Programs
- IX. Recommendation

Appendix II

Companies Rescinded From This Administrative Review

1. Acciaierie Bertoli Safau S.p.A.
2. ASFO S.p.A.
3. Ellena S.p.A.

4. Fomas S.p.A.
5. Forge Monchieri S.p.A.
6. Forgiatura Morandini S.r.l.
7. Forgitale Italy S.p.A.
8. Galperti Group
9. IMER International S.p.A.
10. Industria Meccanica e Stampaggio S.p.A.
11. Mimest S.p.A.
12. Ofar S.p.A.
13. Officine Galperti S.p.A.
14. P. Technologies S.r.l.
15. Poclain Hydraulics Industriale S.r.l.
16. Poppi Ugo Euroforge S.p.A.
17. Riganti S.p.A.
18. Ringmill S.p.A.
19. Siderforgerossi Group S.p.A.

[FR Doc. 2024–02392 Filed 2–5–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–858]

Certain Softwood Lumber Products From Canada: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2022

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 softwood lumber products (softwood lumber) from Canada during the period of review (POR), January 1, 2022, through December 31, 2022. With respect to four companies, we are rescinding this administrative review because the companies are excluded from the countervailing duty (CVD) order on softwood lumber from Canada. Additionally, with respect to 70 companies, we are rescinding this administrative review because either the request for review of the company was timely withdrawn or the company did not have any reviewable entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable February 6, 2024.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, Laura Griffith, and Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7851, (202) 482–6430, and (202) 482–4793, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2018, Commerce published in the **Federal Register** the CVD order on softwood lumber from Canada.¹ Several interested parties requested that Commerce conduct an administrative review of the *Order* and, on March 14, 2023, Commerce published in the **Federal Register** a notice of initiation of the fifth administrative review.² On April 19, 2023, Commerce selected Canfor Corporation and West Fraser Mills Ltd. as the mandatory respondents in the administrative review.³ On September 22, 2023, Commerce selected J.D. Irving, Limited and Tolko Marketing and Sales Ltd. and Tolko Industries Ltd. (collectively, Tolko) as voluntary respondents in the administrative review.⁴

On September 22, 2023, Commerce extended the deadline for the preliminary results of this administrative review to January 31, 2024, in accordance with 19 CFR 351.213(h)(2).⁵ For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁶ The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The product covered by this order is certain softwood lumber products from Canada. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

¹ *See Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 83 FR 347 (January 3, 2018) (*Order*).

² *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 15642 (March 14, 2023).

³ *See* Memorandum, “Respondent Selection,” dated April 19, 2023.

⁴ *See* Commerce's Letter, “Voluntary Respondents,” dated September 22, 2023.

⁵ *See* Memorandum, “Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2022,” dated September 22, 2023.

⁶ *See* Memorandum, “Decision Memorandum for the Preliminary Results of Administrative Review of the Countervailing Duty Order on Certain Softwood Lumber Products from Canada; 2022,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Partial Rescission of Administrative Review

On November 20, 2023, the U.S. Court of International Trade (CIT) issued an order in *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations v. United States, et. al.*, Consol. Ct. No. 19–00122 (Slip Op. 23–163), reinstating the exclusion of Les Produits Forestiers D&G Ltee (D&G), Marcel Lauzon Inc. (MLI), North American Forest Products Ltd. (NAFP) (located in New Brunswick), and Scierie Alexandre Lemay & Fils Inc. (Lemay), and their cross-owned companies,⁷ from the Order. On December 7, 2023, Commerce published in the **Federal Register** a notice of reinstatement of exclusion from the Order for these companies with an effective date of August 28, 2021.⁸ Consequently, D&G, MLI, NAFP (located in New Brunswick), and Lemay, along with their cross-owned companies, are not subject to this administrative review.

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. On June 12, 2023, the petitioner⁹ timely withdrew its request for administrative review of certain producers/exporters.¹⁰ With respect to 52 producers/exporters listed in the petitioner's withdrawal of review request, neither the producer/exporter itself, nor any other party, besides the petitioner, requested a review. Accordingly, we are rescinding this review, with respect to the following companies, pursuant to 19 CFR 351.213(d)(1):

1. 54 Reman
2. 9224–5737 Quebec Inc. (aka A.G. Bois)

⁷ D&G's cross-owned companies are: Le Groupe GESCO-Star Ltee; Portbec Forest Products Ltd (aka Les Produits Forestiers Portbec Ltee); and Les Produits Forestiers Startrees Ltee. MLI's cross-owned companies are: Placements Marcel Lauzon Ltee and Investissements LRC Inc. NAFP's cross-owned companies are: Parent-Violette Gestion Ltee and Le Groupe Parent Ltee. Lemay's cross-owned companies are: Bois Lemay Inc. and Industrie Lemay Inc.

⁸ See *Certain Softwood Lumber Products from Canada: Notice of Reinstatement of Exclusion from the Countervailing Duty Order*, 88 FR 85225 (December 7, 2023).

⁹ The petitioner is the COALITION, an *ad hoc* association whose members are: U.S. Lumber Coalition, Inc.; Collum's Lumber Products, L.L.C.; Fox Lumber Sales, Inc.; Hankins, Inc.; Pleasant River Lumber Company; PotlatchDeltic; S.I. Storey Lumber Co., Inc.; Stimson Lumber Company; Swanson Group; Weyerhaeuser Company; Giustina Land and Timber Company; and Sullivan Forestry Consultants, Inc.

¹⁰ See Petitioner's Letter, "Withdrawal of Request for Administrative Review," dated June 12, 2023.

3. AA Trading Ltd.
4. All American Forest Products Inc.
5. Anglo-American Cedar Products, Ltd.
6. Bardobec Inc.
7. Best Quality Cedar Products Ltd.
8. Campbell River Shake & Shingle Co., Ltd.
9. Canada Pallet Corp.
10. Canasia Forest Industries Ltd.
11. Careau Bois Inc.
12. Cedar Island Forest Products Ltd.
13. Cedar Valley Holdings Ltd.
14. Cedarcoast Lumber Products
15. Coast Mountain Cedar Products Ltd
16. Comox Valley Shakes (2019) Ltd.
17. CWP—Montreal inc.
18. Direct Cedar Supplies Ltd.
19. Distribution Rioux Inc.
20. Elrod Cartage Ltd.
21. Goldband Shake & Shingle Ltd.
22. Groupe Lignarex Inc.
23. Imperial Cedar Products, Ltd.
24. Intertran Holdings Ltd. (dba Richmond Terminal)
25. Island Cedar Products Ltd
26. L'Atelier de Readaptation au travail de Beauce Inc.
27. Les Bardeaux Lajoie Inc.
28. Les Bois Traites M.G. Inc.
29. Modern Terminal Ltd.
30. Nagaard Sawmill Ltd.
31. NSC Lumber Ltd.
32. Pacific Coast Cedar Products Ltd
33. Pacific Pallet, Ltd.
34. Pat Power Forest Products Corporation
35. Prendville Industries Ltd. (aka Kenora Forest Products)
36. Rick Dubois
37. Roland Boulanger & Cie Ltee; Industries Daveluyville Inc.; Les Manufacturiers Warwick Ltee
38. S&W Forest Products Ltd.
39. Sapphire Lumber Company
40. Sonora Logging Ltd.
41. Source Forest Products
42. South Fraser Container Terminals
43. Star Lumber Canada Ltd
44. Suncoah Custom Lumber Ltd.
45. Surplus G Rioux
46. Swiftwood Forest Products Ltd.
47. T&P Trucking Ltd.
48. Valley Cedar 2 Inc.
49. Watkins Sawmills Ltd.
50. Western Timber Products, Inc.
51. Winton Homes Ltd.
52. WWW Timber Products Ltd.

Additionally, pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of a CVD order where it concludes that there were no reviewable entries of subject merchandise during the POR for an exporter or producer. Normally, upon completion of an administrative review, the suspended entries are liquidated at the CVD assessment rate for the review period.¹¹ Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to

liquidate at the calculated CVD assessment rate for the review period.¹²

Based on our analysis of CBP data and comments received from interested parties, we determine that 18 producers/exporters, for which a review had been requested, had no reviewable shipments, sales, or entries of subject merchandise during the POR. Accordingly, absent evidence of a shipment on the record, Commerce is rescinding the administrative review of the following companies, pursuant to 19 CFR 351.213(d)(3):

1. Burrows Lumber (CD) Ltd.; Theo A. Burrows Lumber Company Limited
2. CarlWood Lumber Ltd.
3. Central Forest Products Inc.
4. Coast Clear Wood Ltd.
5. Glandell Enterprises Inc.
6. Les Produits Forestiers Sitka Inc. (aka Sitka Forest Products Inc.)
7. Madera Forest Products INC
8. Mainland Sawmill, a division of Terminal Forest Products Ltd.
9. Oregon Canadian Forest Products Inc., dba Oregon Canadian Forest Products
10. Pacific Lumber Remanufacturing Inc.
11. Partap Industries
12. Produits forestiers Temrex, s.e.c. (aka Temrex Forest Products LP)
13. Silvaris Corporation
14. Smart Wood Forest Products Ltd.
15. Smartlam LLC
16. Suncoast Industries Inc.
17. Tenryu Canada Corporation
18. Waldun Forest Product Sales Ltd.

For further information, see "Partial Rescission of Administrative Review" in the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this CVD administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that confers a benefit to the recipient, and that the subsidy is specific.¹³ For a full description of the methodology underlying our preliminary conclusions, see the Preliminary Decision Memorandum. The list of topics discussed in the Preliminary Decision Memorandum is included in Appendix I.

Preliminary Rate for Non-Selected Companies Under Review

There are 232 companies for which a review was requested and not rescinded but were not selected as mandatory

¹² See 19 CFR 351.213(d)(3).

¹³ 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.

¹¹ See 19 CFR 351.212(b)(2).

respondents. The statute and Commerce's regulations do not directly address the establishment of rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation.

Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate an all-others rate equal to the weighted average of the countervailable subsidy rates established for producers and/or exporters individually examined, excluding any zero, *de minimis*, or rates based entirely on facts available. In this review, none of the rates for the respondents were zero, *de minimis*, or based entirely on facts available. Therefore, for the POR, we are assigning to the non-selected companies an average of the subsidy rates calculated for the companies that were selected as respondents in the administrative review.

For further information on the calculation of the non-selected rate, see "Preliminary *Ad Valorem* Rate for Non-Selected Companies under Review" in the Preliminary Decision Memorandum. For a list of the non-selected companies, see Appendix II to this notice.

Preliminary Results of Review

For the period January 1, 2022, through December 31, 2022, we preliminarily determine the following estimated countervailable subsidy rates:

Companies	Subsidy rate (percent <i>ad valorem</i>)
Canfor Corporation and its cross-owned affiliates ¹⁴	6.14

¹⁴ Commerce finds the following companies to be cross-owned with Canfor Corporation: Canadian Forest Products, Ltd. and Canfor Wood Products Marketing, Ltd.

¹⁵ Commerce finds the following companies to be cross-owned with J.D. Irving, Limited: Miramichi Timber Holdings Limited, The New Brunswick Railway Company, Rothesay Paper Holdings Ltd., and St. George Pulp & Paper Limited.

¹⁶ Commerce finds Meadow Lake OSB Mill Corp. and several holding companies, the identities of which are business proprietary, to be cross-owned with Tolko Marketing and Sales Ltd. and Tolko Industries Ltd.

¹⁷ Commerce finds the following companies to be cross-owned with West Fraser Mills Ltd.: Blue Ridge Lumber Inc., Manning Forest Products, Ltd., Sundre Forest Products Inc., Sunpine Inc., West Fraser Alberta Holdings, Ltd., and West Fraser Timber Co., Ltd.

Companies	Subsidy rate (percent <i>ad valorem</i>)
J.D. Irving, Limited and its cross-owned affiliates ¹⁵	3.88
Tolko Marketing and Sales Ltd. and Tolko Industries Ltd. ¹⁶	9.61
West Fraser Mills Ltd. and its cross-owned affiliates ¹⁷	6.74
Non-Selected Companies	6.71

Disclosure

We intend to disclose to parties to this proceeding the calculations performed in these preliminary results within five days of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).¹⁸

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.¹⁹ 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.²⁰

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 review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.²¹ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its

¹⁸ See 19 CFR 351.224(b).

¹⁹ 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 Final Service Rule*).

²⁰ See 19 CFR 351.309(c)(2) and (d)(2).

²¹ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

requirements pertaining to the service of documents in 19 CFR 351.303(f).²²

Pursuant to 19 CFR 351.310(c)(2), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using ACCESS. Requests should contain the party's name, address, and telephone number; the number of participants; and 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 the date and time of the hearing two days before the scheduled date. Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Final Results

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised by parties in their comments, within 120 days after the date of publication of these preliminary results.

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), Commerce has preliminarily assigned the subsidy rates as indicated above. Pursuant to section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a). If a timely summons is filed at the CIT, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for statutory injunction has expired (*i.e.*, within 90 days of publication).

For the companies for which this review is rescinded,²³ Commerce will

²² See *APO and Final Service Rule*.

²³ For D&G, MLI, NAFF (located in New Brunswick), and Lemay, which are excluded from the *Order*, Commerce previously issued instructions to CBP discontinuing the suspension of liquidation of these companies' entries that were entered, or withdrawn from warehouse, for consumption on or

instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2022, through December 31, 2022, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue rescission instructions to CBP no earlier than 41 days after the date of publication of the notice of rescission in the **Federal Register**.

Cash Deposit Requirements

Pursuant to section 751(a)(1) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated above for each of the respective companies listed above and in Appendix II with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed companies, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 31, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Review
- IV. Partial Rescission of Administrative Review
- V. Scope of the Order
- VI. New Subsidy Allegations
- VII. Subsidies Valuation
- VIII. Analysis of Programs
- IX. Preliminary *Ad Valorem* Rate for Non-Selected Companies Under Review
- X. Recommendation

Appendix II

- 1 0752615 B.C Ltd; Fraserview Remanufacturing Inc, DBA Fraserview

after August 28, 2021. Thus, we do not intend to issue assessment instructions to CBP for these companies.

- Cedar Products
- 2 10104704 Manitoba Ltd O/A Woodstock Forest Products
- 3 1074712 BC Ltd. (Quadra Cedar)
- 4 5214875 Manitoba Ltd.
- 5 Absolute Lumber Products, Ltd.
- 6 Adwood Manufacturing Ltd.
- 7 AJ Forest Products Ltd.
- 8 Aler Forest Products, Ltd.
- 9 Alpa Lumber Mills Inc.
- 10 Andersen Pacific Forest Products Ltd.
- 11 Antrim Cedar Corporation
- 12 Aquila Cedar Products Ltd.
- 13 Arbec Lumber Inc. (aka Arbec Bois Doeuvre Inc.)
- 14 Aspen Pacific Industries Inc.
- 15 Aspen Planers Ltd.
- 16 B&L Forest Products Ltd.
- 17 B.B. Pallets Inc. (aka Les Palettes B.B. Inc.)
- 18 Babine Forest Products Limited
- 19 Bakerview Forest Products Inc.
- 20 Barrette-Chapais Ltee
- 21 BarretteWood Inc.
- 22 Benoit & Dionne Produits Forestiers Ltee (aka Benoit & Dionne Forest Products Ltd.)
- 23 Blanchet Multi Concept Inc.
- 24 Blanchette & Blanchette Inc.
- 25 Bois Aise de Montreal Inc.
- 26 Bois Bonsai Inc.
- 27 Bois D'oeuvre Cedrico Inc. (aka Cedrico Lumber Inc.)
- 28 Bois Daaquam inc. (aka Daaquam Lumber Inc.)
- 29 Bois et Solutions Marketing SPEC, Inc. (aka SPEC Wood & Marketing Solution or SPEC Wood and Marketing Solutions Inc.)
- 30 Bois Weedon Inc.
- 31 Boisaco Inc.
- 32 Boscus Canada Inc.
- 33 Boucher Bros. Lumber Ltd.
- 34 BPWood Ltd.
- 35 Bramwood Forest Inc.
- 36 Brink Forest Products Ltd.
- 37 Brunswick Valley Lumber Inc.
- 38 Busque & Laflamme Inc.
- 39 Canadian Bavarian Millwork & Lumber Ltd.
- 40 Canyon Lumber Company, Ltd.
- 41 Carrier & Begin Inc.
- 42 Carrier Forest Products Ltd.
- 43 Carrier Lumber Ltd.
- 44 Carter Forest Products Inc.
- 45 Cedarland Forest Products Ltd.
- 46 Cedarline Industries Ltd.
- 47 Central Alberta Pallet Supply
- 48 Central Cedar Ltd.
- 49 Centurion Lumber Ltd.
- 50 Chaleur Forest Products Inc.
- 51 Chaleur Forest Products LP
- 52 Channel-ex Trading Corporation
- 53 CHAP Alliance Inc.
- 54 Clair Industrial Development Corp. Ltd
- 55 Clermond Hamel Ltee
- 56 CLG Enterprises Inc.
- 57 CNH Products Inc.
- 58 Columbia River Shake & Shingle Ltd.; Teal Cedar Products Ltd., dba The Teal Jones Group
- 59 Commonwealth Plywood Co. Ltd.
- 60 Conifex Fibre Marketing Inc.
- 61 Coulson Manufacturing Ltd.
- 62 Cowichan Lumber Ltd.
- 63 CS Manufacturing Inc., dba Cedarshed
- 64 CWP Industriel Inc. (aka CWP—Industriel Inc.)
- 65 D & D Pallets Ltd.
- 66 Dakeryn Industries Ltd.
- 67 Decker Lake Forest Products Ltd.
- 68 Deep Cove Forest Products, Inc.
- 69 Delco Forest Products Ltd.
- 70 Delta Cedar Specialties Ltd.
- 71 Devon Lumber Co. Ltd.
- 72 DH Manufacturing Inc.
- 73 Doubletree Forest Products Ltd.
- 74 Downie Timber Ltd.
- 75 Dunkley Lumber Ltd.
- 76 EACOM Timber Corporation
- 77 East Fraser Fiber Co. Ltd.
- 78 Edgewood Forest Products Inc.
- 79 ER Probyn Export Ltd.
- 80 Falcon Lumber Ltd.
- 81 Fontaine Inc.; Gestion Natanis Inc.; Les Placements Jean-Paul Fontaine Ltee; Placements Nicolas Fontaine Inc.
- 82 Foothills Forest Products Inc.
- 83 Fort St. James Forest Products Limited Partnership
- 84 Fraser Specialty Products Ltd.
- 85 FraserWood Industries Ltd.
- 86 Furtado Forest Products Ltd.
- 87 Galloway Lumber Company Ltd.
- 88 Gilbert Smith Forest Products Ltd.
- 89 Goldwood Industries Ltd.
- 90 Goodfellow Inc.
- 91 Gorman Bros. Lumber Ltd.
- 92 Greendale Industries Inc.
- 93 GreenFirst Forest Products (QC) Inc.
- 94 Greenwell Resources Inc.
- 95 Griff Building Supplies Ltd.
- 96 Groupe Crete Chertsey Inc.
- 97 Groupe Crete Division St-Faustin Inc.
- 98 Groupe Lebel Inc.
- 99 H.J. Crabbe & Sons Ltd.
- 100 Haida Forest Products Ltd.
- 101 Halo Sawmill Manufacturing Limited Partnership
- 102 Hampton Tree Farms, LLC, dba Hampton Lumber Sales Canada
- 103 Hornepayne Lumber LP
- 104 Hudson Mitchell & Sons Lumber Inc.
- 105 Hy Mark Wood Products Inc.
- 106 Independent Building Materials Distribution Inc.
- 107 Interfor Corporation
- 108 Interfor Sales & Marketing Ltd.
- 109 Ivor Forest Products Ltd.
- 110 J&G Log Works Ltd.
- 111 J.H. Huscroft Ltd.
- 112 Jan Woodlands (2001) Inc.
- 113 Jasco Forest Products Ltd.
- 114 Jazz Forest Products Ltd.
- 115 Jhaji Lumber Corporation
- 116 Kalesnikoff Lumber Co. Ltd.
- 117 Kan Wood, Ltd.
- 118 Kebois Ltee/Ltd
- 119 Kelfor Industries Ltd.
- 120 Kermod Forest Products Ltd.
- 121 Keystone Timber Ltd.
- 122 La Crete Sawmills Ltd.
- 123 Lafontaine Lumber Inc.
- 124 Langevin Forest Products Inc.
- 125 Lecours Lumber Co. Limited
- 126 Leisure Lumber Ltd.
- 127 Les Bois d'oeuvre Beaudoin Gauthier Inc.
- 128 Les Bois Martek Lumber
- 129 Les Chantiers de Chibougamau Ltd./Ltee
- 130 Les Industries P.F. Inc.
- 131 Leslie Forest Products Ltd.
- 132 Lignum Forest Products LLP
- 133 Linwood Homes Ltd.

- 134 Lonestar Lumber Inc.
 135 Lulumco Inc.
 136 Magnum Forest Products, Ltd.
 137 Maibec Inc.
 138 Manitou Forest Products Ltd
 139 Marwood Ltd.
 140 Materiaux Blanchet Inc.
 141 Metrie Canada Ltd.
 142 Mid Valley Lumber Specialties Ltd.
 143 Midway Lumber Mills Ltd.
 144 Mill & Timber Products Ltd.
 145 Millar Western Forest Products Ltd.
 146 Mirax Lumber Products Ltd.
 147 Mobilier Rustique (Beauce) Inc.; J.F.S.R. Inc.; Gestion C.A. Rancourt Inc.; Gestion J.F. Rancourt Inc.; Gestion Suzie Rancourt Inc.; Gestion P.H.Q. Inc.; 9331–3419 Quebec Inc.; 9331–3468 Quebec Inc.; SPQ Inc.
 148 Monterra Lumber Mills Limited
 149 Morwood Forest Products Inc.
 150 Multicdre ltee
 151 Murray Brothers Lumber Company Ltd
 152 Nakina Lumber Inc.
 153 National Forest Products Ltd.
 154 Nicholson and Cates Ltd.
 155 NorSask Forest Products Limited Partnership/NorSask Forest Products Inc.
 156 North American Forest Products Ltd. (located in Abbotsford, British Columbia)
 157 North Enderby Timber Ltd.
 158 Northland Forest Products Ltd.
 159 Oakwood Manufacturing, A Division of Weston Forest Products Inc.
 160 Olympic Industries, Inc.; Olympic Industries ULC²⁴
 161 Pacific NorthWest Lumber Ltd.
 162 Pacific Western Wood Works Ltd.
 163 PalletSource Inc.
 164 Parallel Wood Products Ltd.
 165 Partap Forest Products Ltd.
 166 Peak Industries (Cranbrook) Ltd.
 167 Phoenix Forest Products Inc.
 168 Pine Ideas Ltd.
 169 Pioneer Pallet & Lumber Ltd.
 170 Porcupine Wood Products Ltd.
 171 Power Wood Corp.
 172 Precision Cedar Products Corp.
 173 Produits Forestiers Petit Paris Inc.
 174 Produits Matra Inc.; Sechoirs de Beauce Inc.; Bois Ouvre de Beauceville (1992), Inc.
 175 Promobois G.D.S. Inc.
 176 R.A. Green Lumber Ltd.
 177 Rayonier A.M. Canada GP
 178 Rembos Inc.
 179 Rene Bernard inc.
 180 Resolute FP Canada Inc.; 9192–8515 Quebec Inc.; Abitibi-Bowater Canada Inc.; Bowater Canadian Ltd.; Produits Forestiers Maurice SEC.; Resolute Forest Products Inc.
 181 Rielly Industrial Lumber Inc.
 182 River City Remanufacturing Inc.
 183 S&R Sawmills Ltd.
 184 San Group
 185 San Industries Ltd.
 186 Sawarne Lumber Co. Ltd.
 187 Scierie St-Michel Inc.
 188 Scierie West Brome Inc.
 189 Scott Lumber Sales Ltd.
 190 Shakertown Corp.
 191 Sigurdson Forest Products Ltd.
 192 Sinclair Group Forest Products Ltd.
 193 Skana Forest Products Ltd.
 194 Skeena Sawmills Ltd.
 195 South Beach Trading Inc.
 196 South Coast Reman Ltd.
 197 Southcoast Millwork Ltd.
 198 Specialiste du Bardeau de Cedre Inc. (aka SBC)
 199 Spruceland Millworks Inc.
 200 Sundher Timber Products Inc.
 201 Surrey Cedar Ltd.
 202 Taan Forest Limited Partnership (aka Taan Forest Products)
 203 Taiga Building Products Ltd.
 204 Tall Tree Lumber Company
 205 Terminal Forest Products Ltd.
 206 TG Wood Products
 207 The Wood Source Inc.
 208 Top Quality Lumber Ltd.
 209 Trans-Pacific Trading Ltd.
 210 Triad Forest Products Ltd.
 211 Twin Rivers Paper Co. Inc.
 212 Tyee Timber Products Ltd.
 213 Universal Lumber Sales Ltd.
 214 Usine Sartigan Inc.
 215 Vaagen Fibre Canada, ULC
 216 Vancouver Specialty Cedar Products Ltd.
 217 Vanderhoof Specialty Wood Products Ltd.
 218 Vanderwell Contractors (1971) Ltd.
 219 Visscher Lumber Inc.
 220 W.I. Woodtone Industries Inc.
 221 West Bay Forest Products Ltd.
 222 West Coast Panel Cutters
 223 Western Forest Products Inc.
 224 Western Lumber Sales Limited
 225 Westminster Industries Ltd.
 226 Weston Forest Products Inc.
 227 Westrend Exteriors Inc.
 228 Weyerhaeuser Co.
 229 White River Forest Products L.P.
 230 Woodline Forest Products Ltd.
 231 Woodstock Forest Products
 232 Woodtone Specialties Inc.

[FR Doc. 2024–02387 Filed 2–5–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) continues to determine that the sole respondent under review, VidaXL Ningbo Industry Co., Ltd. (VidaXL), is not eligible for a separate rate and is, therefore, part of

the China-wide entity. The period of review (POR) is January 1, 2022, through December 31, 2022.

DATES: Applicable February 6, 2024.

FOR FURTHER INFORMATION CONTACT: Krisha Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4037.

SUPPLEMENTARY INFORMATION:**Background**

On October 6, 2023, Commerce published in the **Federal Register** the preliminary results of the 2022 administrative review of the antidumping duty order on wooden bedroom furniture from the People's Republic of China (China).¹ We invited interested parties to comment on the *Preliminary Results*. No parties commented on the *Preliminary Results*. Accordingly, the *Preliminary Results* remain unchanged in the final results of this review. Commerce conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order²

The product covered by the order is wooden bedroom furniture from China. Imports of subject merchandise are classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 9403.50.9041, 9403.50.9042, 9403.50.9045, 9403.50.9080, 9403.91.0005, 9403.91.0010, 9403.91.0080, 7009.92.1090 or 7009.92.5095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Final Results of Review

Consistent with the *Preliminary Results*, we continue to determine that the sole respondent under review, VidaXL, did not establish its eligibility for a separate rate and is part of the China-wide entity. Because no party requested a review of the China-wide entity, and Commerce no longer considers the China-wide entity as an exporter conditionally subject to

¹ See *Wooden Bedroom Furniture from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; and Rescission, in Part; 2022*, 88 FR 69618 (October 6, 2023) (*Preliminary Results*).

² For a complete description of the scope of the order, see *Wooden Bedroom Furniture from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; and Final Determination of No Shipments; 2021*, 88 FR 8405 (February 9, 2023).

²⁴ On March 21, 2023, Olympic Industries, Inc. and Olympic Industries ULC (collectively, Olympic) notified Commerce that Olympic Industries Inc.-Reman Code, Olympic Industries ULC-Reman, and Olympic Industries ULC-Reman Code are no longer used by Olympic to export softwood lumber to the United States. See Olympic's Letter, "Response to Department of Commerce's Clarification Request," dated March 21, 2023.

administrative reviews, we did not conduct a review of the China-wide entity.³ Accordingly, the rate previously established for the China-wide entity, 216.01 percent, is not changed as a result of this review.⁴

Disclosure

Because Commerce received no comments on the *Preliminary Results*, we have not modified our analysis and no decision memorandum accompanies this **Federal Register** notice. We are adopting the *Preliminary Results* as the final results of this review. Consequently, 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), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. No earlier than 35 days after the date of publication of this notice in the **Federal Register**, Commerce intends to instruct CBP to liquidate any entries of subject merchandise from VidaXL that entered the United States during the POR at the China-wide rate (*i.e.*, 216.01 percent). If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice in the **Federal Register** for all shipments of subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(2)(C) of the Act: (1) for any previously investigated or reviewed China or non-China exporter that has a separate rate, the cash deposit rate will continue to be the exporter's existing cash deposit rate; (2) for all China exporters of subject merchandise that do

not have a separate rate, including VidaXL, the cash deposit rate will be equal to the dumping margin assigned to the China-wide entity, which is 216.01 percent;⁵ and (3) for all non-China exporters of subject merchandise that do not have a separate rate, the cash deposit rate will be equal to the dumping margin applicable to the China exporter(s) that supplied that non-China exporter. 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 POR. 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 also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing the final results of this review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(1) and 351.221(b)(5).

Dated: January 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024-02385 Filed 2-5-24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-857]

Certain Softwood Lumber Products From Canada: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Partial Rescission in the Administrative Review, 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on certain softwood lumber products (softwood lumber) from Canada. The period of review (POR) is January 1, 2022, through December 31, 2022. Commerce preliminarily determines that the producers/exporters subject to this review made sales of subject merchandise at less than normal value. In addition, with respect to Smartlam LLC (Smartlam), we are preliminarily rescinding this administrative review because Smartlam did not have any reviewable entries of subject merchandise during the POR. We invite interested parties to comment on these preliminary results.

DATES: Applicable February 6, 2024.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen (Canfor) and Maisha Cryor (West Fraser), AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2769 and (202) 482-5831, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 14, 2023, based on timely requests for administrative reviews, Commerce initiated an AD administrative review covering 309 companies and has not rescinded the review of any of these companies.¹ Thus, the review covers 309 producers/exporters of the subject merchandise, including mandatory respondents

³ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

⁴ See *Amended Final Results of Antidumping Duty Administrative Review and New Shipper Reviews: Wooden Bedroom Furniture from the People's Republic of China*, 72 FR 46957, 46964 (August 22, 2007).

⁵ See *Preliminary Results*, 88 FR at 69619.

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 15642 (March 14, 2023).

Canfor² and West Fraser,³ and Smartlam, which we preliminary find had no shipments during the POR and for which we are preliminarily rescinding its review. On August 30, 2023, we extended the preliminary results until January 31, 2024.⁴

Scope of the Order

The product covered by this order is softwood lumber from Canada. For a full description of the scope, see the Preliminary Decision Memorandum.⁵

Preliminary Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order where it concludes that there were no reviewable entries of subject merchandise during the POR for an exporter or producer. Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate for the review period.⁶ Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated AD assessment rate for the review period.⁷

Based on our analysis of CBP data⁸ and comments received from interested parties,⁹ we preliminarily determine that Smartlam had no reviewable shipments, sales, or entries of subject merchandise during the POR. Accordingly, absent evidence of a shipment on the record from Smartlam

during the POR, Commerce intends to rescind its review of Smartlam, pursuant to 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public 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>.

Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the period January 1, 2022, through December 31, 2022:

Exporter/producer	Weighted-average dumping margin (percent)
Canfor Corporation/Canadian Forest Products Ltd./Canfor Wood Products Marketing Ltd./Canfor Fox Creek Ltd./Canfor Whitecourt Ltd	9.65
West Fraser Mills Ltd./Blue Ridge Lumber Inc./Manning Forest Products Ltd./and Sundre Forest Products Inc	5.33
Non-Selected Companies	7.15

Rate for Companies Not Individually Examined

Generally, when calculating margins for non-selected respondents, Commerce looks to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act provides that when calculating the all-others rate, Commerce will exclude any zero and *de minimis* weighted-average dumping margins, as well as any weighted-average dumping margins based on total facts available. Accordingly, Commerce's usual practice has been to average the margins for selected respondents, excluding margins that are

zero, *de minimis*, or based entirely on facts available.

In this review, we calculated a weighted-average dumping margin of 9.65 percent for Canfor and 5.33 percent for West Fraser. In accordance with section 735(c)(5)(A) of the Act, Commerce assigned the weighted-average of these two calculated weighted-average dumping margins based on their publicly ranged sales data, 7.15 percent, to the non-selected companies in these preliminary results.¹⁰

Disclosure

We intend to disclose the calculations performed for these preliminary results to the interested parties within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b).

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to the Assistant Secretary for Enforcement and Compliance not later than 30 days after the date of publication of this notice, unless Commerce alters the time limit. 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.¹¹ Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹²

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 administrative review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹³ 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

² As described in the Preliminary Decision Memorandum, we have treated Canfor Corporation, Canadian Forest Products Ltd., Canfor Wood Products Marketing Ltd., Canfor Fox Creek Ltd., and Canfor Whitecourt Ltd. (collectively, Canfor) as a single entity. See Memorandum, "Decision Memorandum for Preliminary Results of the 2022 Antidumping Duty Administrative Review of Certain Softwood Lumber Products from Canada and Preliminary Determination of No Shipments," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum), at 5.

³ As described in the Preliminary Decision Memorandum, we have treated West Fraser Mills Ltd., Blue Ridge Lumber Inc., Manning Forest Products Ltd., and Sundre Forest Products Inc. (collectively, West Fraser) as a single entity. See Preliminary Decision Memorandum at 6.

⁴ See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2022," dated August 30, 2023. A list of all companies under review is included as Appendix II to this notice.

⁵ See Preliminary Decision Memorandum at 2–4.

⁶ See 19 CFR 351.212(b)(1).

⁷ See 19 CFR 351.213(d)(3).

⁸ See Memorandum, "Release of Customs and Border Protection Data and Notification of Respondent Selection Methodology," dated March 20, 2023.

⁹ See Smartlam's Letter, "Customs Documentation," dated February 2, 2023.

¹⁰ See Memorandum, "Calculation of the Rate for Non-Selected Respondents," dated concurrently with this notice, and Attachment II (containing a list of the non-selected companies under review).

¹¹ 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).

¹² See 19 CFR 351.309(c)(2) and (d)(2).

¹³ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁴

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.¹⁵ Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act, unless extended.

Assessment Rate

Upon issuance of the final results, Commerce will determine, and CBP shall assess, ADs on all appropriate entries covered by this review.¹⁶ If a respondent's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).¹⁷ If a respondent's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to ADs in accordance

with the *Final Modification for Reviews*.¹⁸ If, in the final results, we continue to find that the administrative review for Smartlam should be rescinded, then we will instruct CBP to liquidate any suspended entries that entered under its AD case number (*i.e.*, at that exporter's rate) at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. The final results of this administrative review shall be the basis for the assessment of ADs on entries of merchandise under review and for future deposits of estimated duties, where applicable. We intend to issue liquidation instructions to CBP no earlier than 41 days after 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 statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements for estimated ADs will be effective upon publication of the notice of final results of this review for all shipments of softwood lumber from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for companies subject to this review will be equal to the dumping margin established in the final results of the review; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be the 6.04 percent, the all-others rate established in the LTFV investigation.¹⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of ADs and/or countervailing duties (CVDs) prior to liquidation of the relevant entries during this period of review. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of ADs and/or CVDs occurred and the subsequent assessment of double ADs, and/or an increase in the amount of ADs by the amount of the CVDs.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 31, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Partial Rescission of Administrative Review
- V. Affiliation and Collapsing of Affiliates
- VI. Unexamined Respondents
- VII. Discussion of the Methodology
- VIII. Recommendation

Appendix II

Companies Under Review

1. 10104704 Manitoba Ltd O/A Woodstock Forest Product
2. 1074712 BC Ltd.; Quadra Cedar
3. 5214875 Manitoba Ltd.
4. 54 Reman
5. 752615 B.C Ltd, Frasersview Remanufacturing Inc, DBA Frasersview Cedar Products.
6. 9224-5737 Quebec Inc. (aka A.G. Bois)
7. AA Trading Ltd.
8. Absolute Lumber Products Ltd.
9. Adwood Manufacturing Ltd.
10. AJ Forest Products Ltd.
11. Aler Forest Products Ltd.
12. All American Forest Products Inc.
13. Alpa Lumber Mills Inc.
14. Andersen Pacific Forest Products Ltd.
15. Anglo American Cedar Products Ltd.; Anglo-American Cedar Products Ltd.
16. Antrim Cedar Corporation
17. Aquila Cedar Products Ltd.
18. Arbec Lumber Inc.; Arbec Bois Doeuvre Inc.
19. Aspen Pacific Industries Inc.
20. Aspen Planers Ltd.
21. B&L Forest Products Ltd.
22. B.B. Pallets Inc.; Les Palettes B.B.Inc.
23. Babine Forest Products Limited
24. Bakerview Forest Products Inc.

¹⁴ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

¹⁵ See 19 CFR 351.310(c).

¹⁶ See 19 CFR 351.212(b).

¹⁷ In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

¹⁸ See *Final Modification for Reviews*, 77 FR at 8103; see also 19 CFR 351.106(c)(2).

¹⁹ See *Certain Softwood Lumber Products from Canada: Antidumping Duty Order and Partial Amended Final Determination*, 83 FR 350 (January 3, 2018).

25. Bardobec Inc.
26. Barrette-Chapais Ltee
27. BarretteWood Inc.
28. Benoît & Dionne Produits Forestiers Ltee;
Benoît & Dionne Forest Products Ltd.
29. Best Quality Cedar Products Ltd.
30. Blanchet Multi Concept Inc.
31. Blanchette & Blanchette Inc.
32. Bois Aise de Montreal Inc.
33. Bois Bonsaï Inc.
34. Bois Daaquam Inc.; Daaquam Lumber Inc.
35. Bois D'oeuvre Cedrico Inc.; Cedrico
Lumber Inc.
36. Bois et Solutions Marketing SPEC, Inc.;
SPEC Wood & Marketing Solution; SPEC
Wood and Marketing Solutions Inc.
37. Bois Weedon Inc.
38. Boisaco Inc.
39. Boscus Canada Inc.
40. Boucher Bros. Lumber Ltd.
41. BPWood Ltd.
42. Bramwood Forest Inc.
43. Brink Forest Products Ltd.
44. Brunswick Valley Lumber Inc.
45. Burrows Lumber (CD) Ltd., Theo A.
Burrows Lumber Company Limited
46. Busque & Laflamme Inc.
47. Campbell River Shake & Shingle Co. Ltd.
48. Canada Pallet Corp.
49. Canadian Bavarian Millwork & Lumber
Ltd.
50. Canadian Forest Products Ltd.; Canfor
Wood Products Marketing Ltd.; Canfor
Corporation; Canfor Fox Creek Ltd.;
Canfor Whitecourt Ltd.
51. Canasia Forest Industries Ltd.
52. Canyon Lumber Company Ltd.
53. Careau Bois inc.
54. CarlWood Lumber Ltd.
55. Carrier & Begin Inc.
56. Carrier Forest Products Ltd.
57. Carrier Lumber Ltd.
58. Carter Forest Products Inc.
59. Cedar Island Forest Products Ltd.
60. Cedar Valley Holdings Ltd.
61. Cedarcoast Lumber Products
62. Cedarland Forest Products Ltd.
63. Cedarline Industries Ltd.
64. Central Alberta Pallet Supply
65. Central Cedar Ltd.
66. Central Forest Products Inc.
67. Centurion Lumber Ltd.
68. Chaleur Forest Products Inc.
69. Chaleur Forest Products LP
70. Channel-ex Trading Corporation
71. CHAP Alliance, Inc.
72. Clair Industrial Development Corp. Ltd.
73. Clermond Hamel Ltee
74. CLG Enterprises Inc.
75. CNH Products Inc.
76. Coast Clear Wood Ltd.
77. Coast Mountain Cedar Products Ltd.
78. Columbia River Shake & Shingle Ltd./
Teal Cedar Products Ltd., DBA the Teal
Jones Group.
79. Commonwealth Plywood Co. Ltd.
80. Comox Valley Shakes Ltd. (2019); AKA
Comox Valley Shakes (2019) Ltd.
81. Conifex Fibre Marketing Inc.
82. Coulson Manufacturing Ltd.
83. Cowichan Lumber Ltd.
84. CS Manufacturing Inc. (dba Cedarshed)
85. CWP—Industriel Inc.
86. CWP—Montreal Inc.
87. D & D Pallets Ltd.
88. Dakeryn Industries Ltd.
89. Decker Lake Forest Products Ltd.
90. Deep Cove Forest Products, Inc.
91. Delco Forest Products Ltd.
92. Delta Cedar Specialties Ltd.
93. Devon Lumber Co. Ltd.
94. DH Manufacturing Inc.
95. Direct Cedar Supplies Ltd.
96. Distribution Rioux Inc.
97. Doubletree Forest Products Ltd.
98. Downie Timber Ltd.
99. Dunkley Lumber Ltd.
100. EACOM Timber Corporation
101. East Fraser Fiber Co. Ltd.
102. Edgewood Forest Products Inc.
103. Elrod Cartage Ltd.
104. ER Probyn Export Ltd.
105. Falcon Lumber Ltd.
106. Fontaine Inc.
107. Foothills Forest Products Inc.
108. Forest Products Mauricie LP; Societe en
commandite Scierie Opitciwan; Resolute
Growth Canada Inc.; Resolute FP Canada
Inc.; Resolute-LP Engineered Wood
Larouche Inc.; Resolute-LP Engineered
Wood St-Prime Limited Partnership
109. Fort St. James Forest Products Limited
Partnership
110. Fraser Specialty Products Ltd.
111. FraserWood Industries Ltd.
112. Furtado Forest Products Ltd.
113. Galloway Lumber Company Ltd.
114. Glandell Enterprises Inc.
115. Goldband Shake & Shingle Ltd.
116. Goldwood Industries Ltd.
117. Goodfellow Inc.
118. Gorman Bros. Lumber Ltd.
119. Greendale Industries Inc.
120. GreenFirst Forest Products (QC) Inc.
121. GreenFirst Forest Products Inc.
122. Greenwell Resources Inc.
123. Griff Building Supplies Ltd.
124. Groupe Crete Chertsey Inc.
125. Groupe Crete Division St-Faustin Inc.
126. Groupe Lebel Inc.
127. Groupe Lignarex Inc.
128. H.J. Crabbe & Sons Ltd.
129. Haida Forest Products Ltd.
130. Halo Sawmill, a division of Delta Cedar
Specialties Ltd.; Halo Sawmill
Manufacturing Limited Partnership
131. Hampton Tree Farms, LLC (dba
Hampton Lumber Sales Canada)
132. Hornepayne Lumber LP
133. Hudson Mitchell & Sons Lumber Inc.
134. Hy Mark Wood Products Inc.
135. Imperial Cedar Products Ltd.
136. Independent Building Materials
Distribution Inc.
137. Interfor Corporation
138. Interfor Sales & Marketing Ltd.
139. Intertran Holdings Ltd. (dba Richmond
Terminal)
140. Island Cedar Products Ltd.
141. Ivor Forest Products Ltd.
142. J&G Log Works Ltd.
143. J.D. Irving, Limited
144. J.H. Huscroft Ltd.
145. Jan Woodlands (2001) Inc.
146. Jasco Forest Products Ltd.
147. Jazz Forest Products Ltd.
148. Jhaji Lumber Corporation
149. Kalesnikoff Lumber Co. Ltd.
150. Kan Wood Ltd.
151. Kebois Ltee; Kebois Ltd.
152. Kelfor Industries Ltd.
153. Kermod Forest Products Ltd.
154. Keystone Timber Ltd.
155. La Crete Sawmills Ltd.
156. Lafontaine Lumber Inc.
157. Langevin Forest Products Inc.
158. Lecours Lumber Co. Limited
159. Leisure Lumber Ltd.
160. Les Bardeaux Lajoie Inc.
161. Les Bois d'oeuvre Beaudoin Gauthier
Inc.
162. Les Bois Martek Lumber
163. Les Bois Traites M.G. Inc.
164. Les Chantiers de Chibougamau Ltee; Les
Chantiers de Chibougamau Ltd.
165. Les Industries P.F. Inc.
166. Les Produits Forestiers D&G Ltee; D&G
Forest Products Ltd.
167. Les Produits Forestiers Sitka Inc. (aka
Sitka Forest Products Inc.)
168. Leslie Forest Products Ltd.
169. Lignum Forest Products LLP
170. Linwood Homes Ltd.
171. Lonestar Lumber Inc.
172. Lulumco Inc.
173. Lumber Assets Holding LP
174. Madera Forest Products INC
175. Magnum Forest Products Ltd.
176. Maibec Inc.
177. Mainland Sawmill, a division of
Terminal Forest Products
178. Manitou Forest Products Ltd.
179. Manning Forest Products Ltd.; Sundre
Forest Products Inc.; Blue Ridge Lumber
Inc.; West Fraser Mills Ltd.
180. Marcel Lauzon Inc.
181. Marwood Ltd.
182. Materiaux Blanchet Inc.
183. Metrie Canada Ltd.
184. Mid Valley Lumber Specialties Ltd.
185. Midway Lumber Mills Ltd.
186. Mill & Timber Products Ltd.
187. Millar Western Forest Products Ltd.
188. Mirax Lumber Products Ltd.
189. Mobilier Rustique (Beauce) Inc.
190. Modern Terminal Ltd.
191. Monterra Lumber Mills Limited
192. Morwood Forest Products Inc.
193. Multicedre Ltee
194. Murray Brothers Lumber Company Ltd.
195. Nagaard Sawmill Ltd.
196. Nakina Lumber Inc.
197. National Forest Products Ltd.
198. Nicholson and Cates Ltd.
199. Nickel Lake Lumber
200. Norsask Forest Products Inc.
201. Norsask Forest Products Limited
Partnership
202. North American Forest Products Ltd.
(located in Abbotsford, British Columbia)
203. North American Forest Products Ltd.
(located in Saint-Quentin, New
Brunswick)
204. North Enderby Timber Ltd.
205. Northland Forest Products Ltd.
206. NSC Lumber Ltd.
207. Oakwood Manufacturing A Division of
Weston Forest Products Inc.
208. Olympic Industries Inc.
209. Olympic Industries ULC
210. Oregon Canadian Forest Products;
Oregon Canadian Forest Products Inc.
211. Pacific Coast Cedar Products Ltd.
212. Pacific Lumber Remanufacturing Inc.
213. Pacific NorthWest Lumber Ltd.
214. Pacific Pallet Ltd.
215. Pacific Western Wood Works Ltd.
216. PalletSource Inc.

217. Parallel Wood Products Ltd.
 218. Partap Forest Products Ltd.
 219. Partap Industries
 220. Pat Power Forest Products Corporation
 221. Peak Industries (Cranbrook) Ltd.
 222. Phoenix Forest Products Inc.
 223. Pine Ideas Ltd.
 224. Pioneer Pallet & Lumber Ltd.
 225. Porcupine Wood Products Ltd.
 226. Portbec Forest Products Ltd.; Les Produits Forestiers Portbec Ltée
 227. Power Wood Corp.
 228. Precision Cedar Products Corp.
 229. Produits Forestiers Petit Paris Inc.
 230. Produits Matra Inc.; Sechoirs de Beauce Inc.
 231. Promoboiss G.D.S. Inc.
 232. R.A. Green Lumber Ltd.
 233. Rembos Inc.
 234. Rene Bernard Inc.
 235. Rick Dubois
 236. Rielly Industrial Lumber Inc.
 237. River City Remanufacturing Inc.
 238. S&R Sawmills Ltd.
 239. S&W Forest Products Ltd.
 240. San Group
 241. San Industries Ltd.
 242. Sapphire Lumber Company
 243. Sawarne Lumber Co. Ltd.
 244. Scierie Alexandre Lemay & Fils Inc.
 245. Scierie St-Michel Inc.
 246. Scierie West Brome Inc.
 247. Scott Lumber Sales; Scott Lumber Sales Ltd.
 248. Shakertown Corp.
 249. Sigurdson Forest Products Ltd.
 250. Silvaris Corporation
 251. Sinclair Group Forest Products Ltd.
 252. Skana Forest Products Ltd.
 253. Skeena Sawmills Ltd.
 254. Smart Wood Forest Products Ltd.
 255. Sonora Logging Ltd.
 256. Source Forest Products
 257. South Beach Trading Inc.
 258. South Coast Reman Ltd.; Southcoast Millwork Ltd.
 259. South Fraser Container Terminals
 260. Spécialiste du Bardeau de Cedre Inc.; Spécialiste du Bardeau de Cedre Inc. (SBC)
 261. Spruceland Millworks Inc.
 262. Star Lumber Canada Ltd.
 263. Suncoast Industries Inc.
 264. Suncoah Custom Lumber Ltd.
 265. Sundher Timber Products Inc.
 266. Surplus G Rioux
 267. Surrey Cedar Ltd.
 268. Swiftwood Forest Products Ltd.
 269. T&P Trucking Ltd.
 270. T.G. Wood Products
 271. Taan Forest Limited Partnership (aka Taan Forest Products)
 272. Taiga Building Products Ltd.
 273. Tall Tree Lumber Company
 274. Temrex Forest Products LP; Produits Forestiers Temrex SEC.
 275. Tenryu Canada Corporation
 276. Terminal Forest Products Ltd.
 277. The Wood Source Inc.
 278. Tolko Industries Ltd.; Tolko Marketing and Sales Ltd.; Gilbert Smith Forest Products Ltd.
 279. Top Quality Lumber Ltd.
 280. Trans-Pacific Trading Ltd.
 281. Triad Forest Products Ltd.
 282. Twin Rivers Paper Co. Inc.

283. Tyee Timber Products Ltd.
 284. Universal Lumber Sales Ltd.
 285. Usine Sartigan Inc.
 286. Vaagen Fibre Canada ULC
 287. Valley Cedar 2 Inc.
 288. Vancouver Specialty Cedar Products Ltd.
 289. Vanderhoof Specialty Wood Products Ltd.
 290. Vanderwell Contractors (1971) Ltd.
 291. Visscher Lumber Inc.
 292. W.I. Woodtone Industries Inc.
 293. Waldun Forest Product Sales Ltd.
 294. Watkins Sawmills Ltd.
 295. West Bay Forest Products Ltd.
 296. West Coast Panel Cutters
 297. Western Forest Products Inc.
 298. Western Lumber Sales Limited
 299. Western Timber Products, Inc.
 300. Westminster Industries Ltd.
 301. Weston Forest Products Inc.
 302. Westrend Exteriors Inc
 303. Weyerhaeuser Co.
 304. White River Forest Products L.P.
 305. Winton Homes Ltd.
 306. Woodline Forest Products Ltd.
 307. Woodstock Forest Products
 308. Woodtone Specialties Inc.
 309. WWW Timber Products Ltd.

[FR Doc. 2024–02388 Filed 2–5–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 84–34A12]

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review for Northwest Fruit Exporters (NFE), Application No. 84–34A12.

SUMMARY: The Secretary of Commerce, through the Office of Trade and Economic Analysis (OTEA), issued an Export Trade Certificate of Review to NFE on January 29, 2024.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, OTEA, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at etca@trade.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4011–21) (the Act) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing title III are found at 15 CFR part 325. OTEA is issuing this

notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

NFE Amended Its Certificate as Follows

1. Added the following entity as a Member of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)):

- New Columbia Fruit Packers, LLC, Wenatchee, WA
- *Export Product coverage:* fresh apples and fresh sweet cherries.

2. Removed the following companies as Members of the Certificate:

- Columbia Fruit Packers, Inc., Wenatchee, WA
- Frosty Packing Co., LLC, Yakima, WA
- Highland Fruit Growers, Inc., Yakima, WA
- Stadelman Fruit, L.L.C., Zillah/Hood River & Milton-Freewater, WA/OR

3. Changed the names of the following Members of the Certificate:

- Crane & Crane, Inc. (Brewster, WA) changes to Crane Ranch (Brewster, WA)
- Brewster Heights Packing & Orchards, LP (Brewster, WA) changes to Brewster Heights Packing & Orchards, LP dba Gebbers Farms (Brewster, WA)
- Monson Fruit Co. (Selah, WA) changes to Monson Fruit Co., LLC (Selah, WA)
- Roche Fruit, Ltd. (Yakima, WA) changes to Roche Fruit, LLC (Yakima, WA)

4. Changed the Export Product coverage of the following Members of the Certificate:

- Diamond Fruit Growers, Inc. changes Export Product coverage from fresh pears and fresh sweet cherries to fresh pears (dropping fresh sweet cherries).
- FirstFruits Farms, LLC changes Export Product coverage from fresh apples to fresh apples and fresh sweet cherries (adding fresh sweet cherries).
- River Valley Fruit, LLC changes Export Product coverage from fresh apples, fresh sweet cherries and fresh pears to fresh apples and fresh sweet cherries (dropping fresh pears).

List of Members, as Amended

1. Allan Bros., Naches, WA

2. AltaFresh L.L.C. dba Chelan Fresh Marketing, Chelan, WA
3. Apple House Warehouse & Storage, Inc., Brewster, WA
4. Apple King, L.L.C., Yakima, WA
5. Auvil Fruit Co., Inc. dba Gee Whiz II, LLC, Orondo, WA
6. Baker Produce, Inc., Kennewick, WA
7. Blue Bird, Inc., Peshastin, WA
8. Blue Star Growers, Inc., Cashmere, WA
9. Borton & Sons, Inc., Yakima, WA
10. Brewster Heights Packing & Orchards, LP dba Gebbers Farms, Brewster, WA
11. Chelan Fruit, Chelan, WA
12. Chiawana, Inc. dba Columbia Reach Pack, Yakima, WA
13. Chuy's Cherries LLC, Mattawa, WA
14. CMI Orchards LLC, Wenatchee, WA
15. Columbia Fresh Packing LLC, Kennewick, WA
16. Columbia Valley Fruit, L.L.C., Yakima, WA
17. Congdon Packing Co. L.L.C., Yakima, WA
18. Cowiche Growers, Inc., Cowiche, WA
19. CPC International Apple Company, Tieton, WA
20. Crane Ranch, Brewster, WA
21. Custom Apple Packers, Inc., Quincy, and Wenatchee, WA
22. Diamond Fruit Growers, Inc., Odell, OR (for fresh pears only)
23. Domex Superfresh Growers LLC, Yakima, WA
24. Douglas Fruit Company, Inc., Pasco, WA
25. Dovex Export Company, Wenatchee, WA
26. Duckwall Fruit, Odell, OR
27. E. Brown & Sons, Inc., Milton-Freewater, OR
28. Evans Fruit Co., Inc., Yakima, WA
29. E.W. Brandt & Sons, Inc., Parker, WA
30. FirstFruits Farms, LLC, Prescott, WA (for fresh apples and fresh sweet cherries)
31. G&G Orchards, Inc., Yakima, WA
32. Gilbert Orchards, Inc., Yakima, WA
33. Hansen Fruit & Cold Storage Co., Inc., Yakima, WA
34. Henggeler Packing Co., Inc., Fruitland, ID
35. HoneyBear Growers LLC, Brewster, WA
36. Honey Bear Tree Fruit Co LLC, Wenatchee, WA
37. Hood River Cherry Company, Hood River, OR
38. JackAss Mt. Ranch, Pasco, WA
39. Jenks Bros Cold Storage & Packing, Royal City, WA
40. Kershaw Fruit & Cold Storage, Co., Yakima, WA
41. L & M Companies, Union Gap, WA
42. Lateral Roots Farm, LLC, Wapato, WA
43. Legacy Fruit Packers LLC, Wapato, WA
44. Manson Growers, Manson, WA
45. Matson Fruit Company, Selah, WA
46. McDougall & Sons, Inc., Wenatchee, WA
47. Monson Fruit Co., LLC, Selah, WA
48. Morgan's of Washington dba Double Diamond Fruit, Quincy, WA
49. New Columbia Fruit Packers, LLC, Wenatchee, WA (for fresh apples and fresh sweet cherries)
50. Northern Fruit Company, Inc., Wenatchee, WA
51. Olympic Fruit Co., Moxee, WA
52. Oneonta Trading Corp., Wenatchee, WA
53. Orchard View Farms, Inc., The Dalles, OR
54. Pacific Coast Cherry Packers, LLC, Yakima, WA

55. Piepel Premium Fruit Packing LLC, East Wenatchee, WA
56. Pine Canyon Growers LLC, Orondo, WA
57. Polehn Farms, Inc., The Dalles, OR
58. Price Cold Storage & Packing Co., Inc., Yakima, WA
59. Quincy Fresh Fruit Co., Quincy, WA
60. Rainier Fruit Company, Selah, WA
61. River Valley Fruit, LLC, Grandview, WA (for fresh apples and fresh sweet cherries only)
62. Roche Fruit, LLC, Yakima, WA
63. Sage Fruit Company, L.L.C., Yakima, WA
64. Smith & Nelson, Inc., Tonasket, WA
65. Stemilt Growers, LLC, Wenatchee, WA
66. Symms Fruit Ranch, Inc., Caldwell, ID
67. The Dalles Fruit Company, LLC, Dallesport, WA
68. Underwood Fruit & Warehouse Co., Bingen, WA
69. Valicoff Fruit Company Inc., Wapato, WA
70. Washington Cherry Growers, Peshastin, WA
71. Washington Fruit & Produce Co., Yakima, WA
72. Western Sweet Cherry Group, LLC, Yakima, WA
73. Whitby Farms, Inc. dba: Farm Boy Fruit Snacks LLC, Mesa, WA
74. WP Packing LLC, Wapato, WA
75. Yakima Fruit & Cold Storage Co., Yakima, WA
76. Zirkle Fruit Company, Selah, WA

The effective date of the amended certificate is October 5, 2023, the date on which NFE's application to amend was deemed submitted.

Dated: February 1, 2024.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2024-02332 Filed 2-5-24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-840]

Forged Steel Fluid End Blocks From Italy: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that certain producers/exporters subject to this administrative review made sales of subject merchandise at less than normal value (NV) during the period of review (POR) January 1, 2022, through December 31, 2022. We are rescinding this administrative review, in part, with respect to 20 companies. We invite interested parties to comment on these preliminary results.

DATES: Applicable February 6, 2024.

FOR FURTHER INFORMATION CONTACT: Allison Hollander or Claudia Cott, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2805 or (202) 482-4270, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 29, 2021, Commerce published in the **Federal Register** the antidumping duty order on forged steel fluid end blocks (fluid end blocks) from Italy.¹ On March 14, 2023, Commerce published in the **Federal Register** the notice of initiation of the administrative review of the *Order*.² On May 19, 2023, Commerce selected Lucchini Mamé Forge S.p.A.³ and Cogne Acciai Speciali S.p.A. for individual examination as mandatory respondents in this administrative review.⁴ On September 6, 2023, Commerce extended the time limit for these preliminary results to January 31, 2024.⁵ For a complete description of the events that occurred since the initiation of the administrative review, see the Preliminary Decision Memorandum.⁶

A list of the topics discussed in the Preliminary Decision Memorandum is attached as the Appendix I of 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

¹ See *Forged Steel Fluid End Blocks from the Federal Republic of Germany and Italy: Amended Final Antidumping Duty Determination for the Federal Republic of Germany and Antidumping Duty Orders*, 86 FR 7528 (January 29, 2021) (*Order*).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 15642 (March 14, 2023).

³ We preliminarily find that Lucchini Mamé Forge S.p.A. (LMA) is affiliated with Lucchini Industries S.r.l. (LIND) and Lucchini RS S.p.A. (LRS) (LMA, LIND, and LRS are collectively referred to as Lucchini).

⁴ See Memorandum, "Respondent Selection," dated May 19, 2023.

⁵ See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2022," dated September 6, 2023.

⁶ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Forged Steel Fluid End Blocks from Italy; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The merchandise subject to the *Order* are fluid end blocks from Italy. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when there are no reviewable suspended entries. Based on our analysis of U.S. Customs and Border Protection (CBP) information, we preliminarily determine that 20 companies had no entries of subject merchandise during the POR. On January 9, 2024, we notified parties of our intent to rescind this administrative review with respect to the 20 companies that have no reviewable suspended entries.⁷ No parties commented on our intent to rescind the review, in part. Therefore, we are rescinding the administrative review for the 20 companies listed in Appendix II of this notice.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). We calculated export prices and NV in accordance with sections 772 and 773 of the Act, respectively. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Rate for Non-Examined Companies

The statute 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 an investigation of sales at less than fair value (LTFV), 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 any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.” We preliminarily calculated a dumping margin for Lucchini that is not zero, *de minimis*, or determined entirely on the basis of facts available. Accordingly, we preliminarily assigned a margin of 1.41 percent based on Lucchini’s calculated weighted-average dumping margin to the sole non-selected respondent, Officine Meccaniche Roselli S.r.l.

Preliminary Results of Review

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist for the period January 1, 2022, through December 31, 2022:

Producer/exporter	Weighted-average dumping margin (percent)
Lucchini Mamé Forge S.p.A.; Lucchini Industries S.r.l.;	
Lucchini RS S.p.A	1.41
Cogne Acciai Speciali S.p.A	0.00
Officine Meccaniche Roselli S.r.l	1.41

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to interested parties within five days after the date of publication of this notice.⁸ Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.⁹ Interested parties who submit case briefs or rebuttal briefs in this administrative review 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 review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each

issue raised in their briefs.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 results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party’s name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in case and rebuttal briefs.

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed using ACCESS.¹² An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹³

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon completion of the final results of this administrative review, pursuant to section 751(a)(2)(A) of the Act, Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries of subject merchandise covered by this review.¹⁴

If an examined respondent’s weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.5 percent) in the final results of this review, we intend to calculate an

⁷ See Memorandum, “Intent to Rescind Review, in Part,” dated January 9, 2024.

⁸ See 19 CFR 351.224(b).

⁹ See 19 CFR 351.309(d)(1); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Final Service 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 19 CFR 351.303.

¹³ See *APO and Final Service Rule*.

¹⁴ See 19 CFR 351.212(b)(1).

importer-specific assessment rate for antidumping duties based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). For the companies identified above that were not selected for individual examination, we will instruct CBP to assess antidumping duties at a rate equal to the weighted-average dumping margin established in the final results of review. If the respondent's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of this review, we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by either of the individually examined respondents for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate these entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹⁵

For the companies for which this review is rescinded with these preliminary results, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2022, through December 31, 2022, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired, *i.e.*, within 90 days of publication.

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.¹⁶

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 the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the investigation of sales at LTFV, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 7.33 percent, the all-others rate established in the LTFV investigation.¹⁷ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 31, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary, for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Rescission of Administrative Review, in Part
- V. Rate for Non-Selected Respondent
- VI. Affiliation and Collapsing
- VII. Discussion of the Methodology
- VIII. Recommendation

Appendix II

Companies Rescinded From This Administrative Review

1. Acciaierie Bertoli Safau S.p.A.
2. ASFO S.p.A.
3. Ellena S.p.A.
4. Fomas S.p.A.
5. Forge Monchieri S.p.A.
6. Forgiatura Morandini S.r.l.
7. Forgitale Italy S.p.A.
8. Galperti Group
9. IMER International S.p.A.
10. I.M.E.S. S.p.A.
11. Industria Meccanica e Stampaggio S.p.A.
12. Mimest S.p.A.
13. Ofar S.p.A.
14. Officine Galperti S.p.A.
15. P. Technologies S.r.l.
16. Poclair Hydraulic Industriale S.r.l.
17. Poppi Ugo Euroforge S.p.A.
18. Riganti S.p.A.
19. Ringmill S.p.A.
20. Siderforgerossi Group S.p.A.

[FR Doc. 2024-02391 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

United States-Mexico-Canada Agreement (USMCA), Article 10.12: Binational Panel Review: Notice of Request for Panel Review

AGENCY: United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of USMCA request for panel review.

SUMMARY: A Request for Panel Review was filed in the matter of Softwood Lumber from Canada: Final Determinations of the Five-Year Reviews of the Antidumping and Countervailing Duty Orders with the U.S. Section of the USMCA Secretariat on January 29, 2024. The final results were determined by the United States International Trade Commission and were published in the **Federal Register**

¹⁵ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁶ See section 751(a)(2)(C) of the Act.

¹⁷ See *Order*, 86 FR at 7530.

on December 28, 2023. The USMCA Secretariat has assigned case number USA–CDA–2024–10.12–01 to this request.

FOR FURTHER INFORMATION CONTACT:

Vidya Desai, United States Secretary, USMCA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202–482–5438.

SUPPLEMENTARY INFORMATION: Article 10.12 of chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established USMCA *Rules of Procedure for Article 10.12 (Binational Panel Reviews)*, which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of USMCA which requires Requests for Panel Review to be published in accordance with Rule 40. For the complete Rules, please see https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo_10_12.aspx?lang=eng.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 44 no later than 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is February 28, 2024);

(b) A Party, an investigating authority or other interested person who does not file a Complaint but who intends to participate in the panel review shall file a Notice of Appearance in accordance with Rule 45 no later than 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is March 14, 2024));

(c) The panel review will be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: January 30, 2024.

Vidya Desai,

United States Secretary, USMCA Secretariat.

[FR Doc. 2024–02400 Filed 2–5–24; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–502]

Certain Welded Carbon Steel Standard Pipes and Tubes From India: Preliminary Determination of No Shipments and Partial Rescission of Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Surya Roshni Limited (Surya) made no shipments during the period of review (POR), May 1, 2022, through April 30, 2023. In addition, we are rescinding this review, in part, with respect to 29 companies. We invite interested parties to comment on these preliminary results.

DATES: Applicable February 6, 2024.

FOR FURTHER INFORMATION CONTACT:

Jacob Keller, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4849.

SUPPLEMENTARY INFORMATION:

Background

On May 12, 1986, Commerce published in the **Federal Register** the order on certain welded carbon steel standard pipes and tubes (pipe and tube) from India.¹ On May 2, 2023, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.² On July 12, 2023, based on timely requests for an administrative review, Commerce initiated an antidumping duty administrative review of 30 companies.³ For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁴

For a full description of the methodology underlying these

¹ *See Antidumping Duty Order; Certain Welded Carbon Steel Standard Pipes and Tubes from India*, 51 FR 17384 (May 12, 1986) (*Order*).

² *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 88 FR 27445 (May 2, 2023).

³ *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023) (*Initiation Notice*).

⁴ *See* Memorandum, “Decision Memorandum for the Preliminary Determination of No Reviewable Sales and Partial Rescission of Review: Certain Welded Carbon Steel Standard Pipes and Tubes from India; 2022–2023,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

preliminary results, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public 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 is directly available at: <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The products covered by the *Order* include certain welded carbon steel standard pipes and tubes with an outside diameter of 0.375 inch or more but not over 16 inches. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested a review withdraws its request within 90 days of the date of publication of the notice of initiation. Nucor Tubular Products Inc. (Nucor), a domestic interested party, timely withdrew its request for an administrative review of the 29 companies listed in Appendix II within 90 days of the date of publication of the *Initiation Notice*.⁵ As a result, Commerce is rescinding this review with respect to these companies, in accordance with 19 CFR 351.213(d)(1).

Preliminary Determination of No Shipments

Based on record information, we preliminarily determine that Surya did not have knowledge that the subject merchandise was destined for the United States, and, thus, Surya is not considered the exporter of subject merchandise during the POR for the purposes of this review.⁶ Therefore, we preliminarily determine that Surya made no shipments of subject merchandise during the POR. Consistent with Commerce’s practice, we find that it is not appropriate to rescind the review with respect to Surya, but rather to complete the review and issue

⁵ *See* Nucor’s Letter, “Partial Withdrawal of Request for Administrative Review,” dated September 29, 2023.

⁶ *See* Preliminary Decision Memorandum at 3–4.

appropriate instructions to CBP based on the final results of this review.⁷

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with the preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of the preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce is rescinding the review for 29 companies and preliminarily finding that Surya made no shipments of subject merchandise during the POR, there are no calculations to disclose.

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.⁸ 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.⁹

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 review, we instead request that interested parties provide, at the beginning of their briefs, a public executive summary for each issue raised in their briefs.¹⁰ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, no including

citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹¹

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via Commerce's electronic records system, ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

A submission in ACCESS must be received successfully in its entirety by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.

Assessment Rates

For entries of subject merchandise during the POR produced by Surya, we will instruct CBP to liquidate suspended entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹²

For the companies for which this review is rescinded with these preliminary results, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period May 1, 2022, through April 30, 2023, in accordance with 19 CFR 351.212(c)(1)(i).

For the remaining companies, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

The final results of this administrative review shall be the basis for the

assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Final Results of Review

Unless the deadline is otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised by interested parties in the case and rebuttal briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice serves as a preliminary 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 POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Partial Rescission of Review
- V. Preliminary Determination of No Shipments
- VI. Recommendation

Appendix II

List of Companies Subject to Rescission of Review

1. Apl Apollo Tubes Limited.
2. Asian Contec Ltd.
3. Bhandari Foils & Tubes Ltd.
4. Bhushan Steel Ltd.
5. Blue Moon Logistics Pvt. Ltd.
6. CH Robinson Worldwide.
7. Ess-Kay Engineers.
8. Manushi Enterprise.
9. Nishi Boring Corporation.
10. Garg Tube Export LLP; Garg Tube Limited.
11. GCL Private Limited.

⁷ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

⁸ 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*).

⁹ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁰ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹¹ See *APO and Service Final Rule*.

¹² For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

12. Goodluck India Ltd.
13. GVN Fuels Ltd.
14. Fiber Tech Composite Pvt. Ltd.
15. Hydromatik.
16. Jindal Quality Tubular Ltd.
17. KLT Automatic & Tubular Products Ltd.
18. Lloyds Line Pipes Ltd.; Lloyds Metals & Engineers Limited.
19. MARINetrans India Private Ltd.
20. Patton International Ltd.
21. Raajratna Ventures Ltd.
22. Ratnamani Metals Tubes Ltd.
23. SAR Transport Systems Pvt. Ltd.
24. Surya Global Steel Tubes Ltd.
25. Vallourec Heat Exchanger Tubes Ltd.
26. Welspun India Ltd.
27. Zenith Birla (India) Ltd.
28. Zenith Birla Steels Private Ltd.
29. Zenith Dyeintermediates Ltd.

[FR Doc. 2024–02295 Filed 2–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–830]

Strontium Chromate From France:
Final Results of Antidumping Duty
Administrative Review; 2021–2022

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

SUMMARY: The U.S. Department of
Commerce (Commerce) determines that
sales of strontium chromate from France
by Société Nouvelle des Couleurs
Zinciques (SNCZ) were not made at less
than normal value (NV) during the
period of review (POR) November 1,
2021, through October 31, 2022.

DATES: Applicable February 6, 2024.

FOR FURTHER INFORMATION CONTACT:
Jonathan Schueler, AD/CVD Operations,
Office VIII, Enforcement and
Compliance, International Trade
Administration, U.S. Department of
Commerce, 1401 Constitution Avenue
NW, Washington, DC 20230; telephone:
(202) 482–9175.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary
Results* on November 3, 2023 and
invited interested parties to comment.¹
No interested party submitted
comments. Accordingly, the final results
are unchanged from the *Preliminary
Results*. Commerce conducted this
review in accordance with section

¹ See *Strontium Chromate from France:
Preliminary Results of Antidumping Duty
Administrative Review; 2021–2022*; 88 FR 75556
(November 3, 2023) (*Preliminary Results*), and
accompanying Preliminary Decision Memorandum.

751(a)(1)(B) of the Tariff Act of 1930, as
amended (the Act).

Scope of the Order²

The product covered by this *Order* is
strontium chromate from France. For a
full description of the scope of the
Order, see the *Preliminary Results*.

Final Results of Review

As no parties submitted comments
regarding the *Preliminary Results*,
Commerce made no changes to its
determinations for the final results of
this review. As a result of this review,
we determine the following weighted-
average dumping margin exists for the
POR:

Exporter/producer	Weighted- average dumping margin (percent)
Société Nouvelle des Couleurs Zinciques	0.00

Disclosure

Because Commerce received no
comments on the *Preliminary Results*,
we have not modified our analysis and
no decision memorandum accompanies
this **Federal Register** notice. We are
adopting the *Preliminary Results* as the
final results of this review.
Consequently, 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 U.S.
Customs and Border Protection (CBP)
shall assess, antidumping duties on all
appropriate entries of subject
merchandise in accordance with the
final results of this review.

Where the respondent’s weighted-
average dumping margin is either zero
or *de minimis* (*i.e.*, less than 0.5
percent), we will instruct CBP to
liquidate the appropriate entries
without regard to antidumping duties.
Accordingly, because SNCZ’s weighted-
average dumping margin is zero percent,
we will instruct CBP to liquidate the
appropriate entries without regard to
antidumping duties.

Commerce’s “reseller policy” will
apply to entries of subject merchandise
during the POR produced by SNCZ
included in these final results of review
for which the reviewed company did

² See *Strontium Chromate from Austria and
France: Antidumping Duty Orders*, 84 FR 65349
(November 27, 2019) (*Order*).

not know that the merchandise it sold
to the intermediary (*e.g.*, a reseller,
trading company, or exporter) was
destined for the United States. In such
instance, we will instruct CBP to
liquidate unreviewed entries at the all-
others rate if there is no rate for the
intermediate company(ies) involved in
the transaction.³

Commerce intends to issue
assessment instructions to CBP no
earlier than 35 days after the date of
publication of the final results of this
review in the **Federal Register**. If a
timely summons is filed at the U.S.
Court of International Trade, the
assessment instructions will direct CBP
not to liquidate relevant entries until the
time for parties to file a request for a
statutory injunction has expired (*i.e.*,
within 90 days of publication).

Cash Deposit Requirements

The following 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 SNCZ will be equal
to the weighted-average dumping
margin established in the final results of
this administrative review (*i.e.*, 0.00
percent); (2) for merchandise exported
by a producer or exporter not covered in
this review but covered in a prior
segment of the proceeding, 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 producer or
exporter participated; (3) if the exporter
is not a firm covered in this review, a
prior review, or the original less-than-
fair-value (LTFV) investigation, but the
producer is, the cash deposit rate will be
the rate established for the most recently
completed segment of the proceeding
for the producer of the merchandise;
and (4) the cash deposit rate for all other
producers and exporters will continue
to be 32.16 percent *ad valorem*, the all-
others rate established in the LTFV
investigation.⁴ 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

³ For a full discussion of this practice, see
*Antidumping and Countervailing Duty Proceedings:
Assessment of Antidumping Duties*, 68 FR 23954
(May 6, 2003).

⁴ See *Order*, 84 FR at 65350.

of antidumping duties prior to liquidation of the relevant entries during the POR. 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 also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the 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)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: January 29, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024-02292 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-557-816]

Certain Steel Nails From Malaysia: Final Results of Antidumping Duty Administrative Review; 2021–2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain steel nails (nails) from Malaysia were sold at less than normal value during the period of review (POR), July 1, 2021, through June 30, 2022.

DATES: Applicable February 6, 2024.

FOR FURTHER INFORMATION CONTACT: John Drury or Tyler Weinhold, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0195 or (202) 482-1121, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 4, 2023, Commerce published the *Preliminary Results* of the 2021–2022 administrative review of the antidumping duty order on nails from Malaysia.¹ We invited interested parties to comment on the *Preliminary Results*.² On November 17, 2023, we extended the deadline for these final results until January 31, 2024.³ This review covers two mandatory respondents: Region and Inmax.⁴ The producers/exporters not selected for individual examination are referenced in the “Final Results of Review” section below and listed in Appendix II of this notice. For a complete description of the events that followed the *Preliminary Results*, see the Issues and Decision Memorandum.⁵ Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the scope of the order are nails from Malaysia. For a complete description of the scope of the order, see the Issues and Decision Memorandum.⁶

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by interested parties in this review are discussed in the Issues and Decision Memorandum. A list of the topics included in the Issues and Decision Memorandum is attached as Appendix I to this notice. The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized

¹ See *Certain Steel Nails from Malaysia: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2021–2022*, 88 FR 51775 (August 4, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See *Preliminary Results*, 88 FR at 51776.

³ See Memorandum, “Extension of Deadline for Final Results of Antidumping Duty Administrative Review,” dated November 17, 2023.

⁴ As in the last completed administrative review, in this administrative review, Commerce continues to treat Region International Co. Ltd. and Region System Sdn. Bhd. (collectively, Region) as a collapsed single entity, and to treat Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd. (collectively, Inmax) as a collapsed single entity. See, e.g., *Certain Steel Nails from Malaysia: Final Results of Antidumping Duty Administrative Review; 2019–2020*, 87 FR 5794 (February 2, 2022).

⁵ See Memorandum, “Decision Memorandum for the Final Results of the 2021–2022 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from Malaysia,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁶ *Id.* at 1–2.

Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be found at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Determination of No Shipments

In the *Preliminary Results*, Commerce determined that Astrotech Steels Private Limited, Trinity Steel Private Limited, Geekay Wires Limited, and Modern Factory for Steel Industries Co. Ltd., made no shipments of the subject merchandise to the United States during the POR. No parties commented on this determination. Therefore, for the final results of review, we continue to find that these companies made no shipments of subject merchandise to the United States during the POR. Consistent with our practice, we will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on our final results.

Changes Since the Preliminary Results

Based on the comments received from interested parties regarding our *Preliminary Results*, we made certain changes to the margin calculation methodology used in the *Preliminary Results* and have changed the dumping margin for these final results of review, as discussed in the Issues and Decision Memorandum.

Rate for Non-Selected Respondents

The statute 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 market economy investigation, for guidance when calculating the rate 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 any zero and *de minimis* margins, and any margins determined entirely {on the basis of facts available}.”

In this review, we preliminarily calculated a weighted-average dumping margin for Region that is not zero, *de minimis*, or determined entirely on the basis of facts available, but calculated a

weighted-average dumping margin for Inmax that is zero.⁷ For the final results, we continue to calculate a weighted-average dumping margins for Region that is not zero, *de minimis*, or determined entirely on the basis of facts available and a weighted-average dumping margin for Inmax that is zero. Accordingly, consistent with our practice, for the final results of this review, we continue to assign the dumping margin determined for Region to the non-selected mandatory respondents. Therefore, the rate for non-selected respondents is 1.08 percent.

Final Results of Review

We determine that the following weighted-average dumping margins exist for the period July 1, 2021, through June 30, 2022:

Producer/exporter	Estimated weighted-average dumping margin (percent)
Region International Co., Ltd./ Region System Sdn. Bhd	1.08
Inmax Sdn. Bhd./Inmax Industries Sdn. Bhd	0.00
Non-Selected Respondents ⁸	1.08

Disclosure of Calculations

Commerce intends to disclose the calculations performed for these final results within five days after the date of the public announcement of these final results, 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).

Assessment Rates

Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries.⁹ For any individually examined respondents whose weighted-average dumping margin is above *de minimis*, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales, in accordance with 19 CFR 351.212(b)(1). Upon issuance of the final results of this administrative review, if

any importer-specific assessment rates calculated in the final results are above *de minimis* (i.e., at or above 0.5 percent), Commerce will issue instructions directly to CBP to assess antidumping duties on appropriate entries.

To determine whether the duty assessment rates covering the period were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer (or customer)-specific *ad valorem* rates by aggregating the amount of dumping calculated for all U.S. sales to that importer or customer and dividing this amount by the total entered value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis*, and the respondent has reported reliable entered values, we will apply the assessment rate to the entered value of the importer/customer's entries during the POR.

For the companies identified in Appendix II that were not selected for individual examination, we will instruct CBP to liquidate entries at the rates established in these final results of review.

For entries of subject merchandise during the POR produced by any of these companies for which they did not know their merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹⁰

Commerce intends to issue appropriate assessment instructions directly to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of the notice of these final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for companies subject to this review will be equal to the company-specific weighted-average dumping margin

established in the final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 2.66 percent, the all-others rate established in the less-than-fair-value investigation.¹¹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

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

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221.

⁷ See Preliminary Results.

⁸ See Appendix II for the list of non-selected respondents.

⁹ In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

¹⁰ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹¹ See *Certain Steel Nails from Malaysia: Amended Final Determination of Sales at Less Than Fair Value*, 80 FR 34370 (June 16, 2015).

Dated: January 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
 - A. Region-Specific Issues
 - Comment 1: Application of Adverse Facts Available (AFA) to Region With Respect to Cost of Production
 - Comment 2: Application of AFA to Region With Respect to Appendix V of the Questionnaire
 - Comment 3: Capping Region's Freight Revenue
 - B. Inmax-Specific Issues
 - Comment 4: Application of AFA With Respect to Inmax's Cost Information
 - Comment 5: Denial of Inmax's Scrap Offset
 - Comment 6: Calculation of Weighted-Average Costs of Production for Inmax
- VI. Recommendation

Appendix II

List of Non-Selected Respondents

Alsons Manufacturing India, LLP.
 Atlantic Marine Group Ltd.
 Chia Pao Metal Co., Ltd.
 Chin Lai Hardware Sdn., Bhd.
 Chuan Heng Hardware Paints and Building Materials Sdn. Bhd.
 Come Best (Thailand) Co., Ltd.
 Gbo Fastening Systems AB.
 Impress Steel Wire Industries Sdn., Bhd.
 Kerry-Apex (Thailand) Co., Ltd.
 Kimmu Trading Sdn., Bhd.
 Madura Fasteners Sdn., Bhd.
 Oman Fasteners LLC.
 Soon Shing Building Materials Sdn., Bhd.
 Storeit Services LLP.
 Sunmat Industries Sdn., Bhd.
 Tag Fasteners Sdn., Bhd.
 Tag Staples Sdn., Bhd.
 Tampin Sin Yong Wai Industry Sdn., Bhd.
 Top Remac Industries.
 UD Industries Sdn., Bhd.
 Vien Group Sdn., Bhd.
 Watasan Industries Sdn., Bhd.
 WWL India Private Ltd.

[FR Doc. 2024-02294 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-985]

Xanthan Gum From the People's Republic of China: Final Results of Antidumping Duty Administrative Review, Partial Rescission of the Antidumping Duty Administrative Review, and Final Determination of No Shipments; 2021-2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.), Shandong Fufeng Fermentation Co., Ltd., and Xinjiang Fufeng Biotechnologies Co., Ltd. (collectively, Fufeng) and Meihua Group International Trading (Hong Kong) Limited, Langfang Meihua Biotechnology Co., Ltd., and Xinjiang Meihua Amino Acid Co., Ltd. (collectively, Meihua) sold xanthan gum from the People's Republic of China (China) at less than normal value during the period of review (POR), July 1, 2021, through June 30, 2022. Additionally, we find that Jianlong Biotechnology Co., Ltd. (formerly, Inner Mongolia Jianlong Biochemical Co., Ltd) (Jianlong), Deosen Biochemical (Ordos) Ltd./Deosen Biochemical Ltd. (collectively, Deosen), and CP Kelco (Shandong) Biological Company Limited (CP Kelco (Shandong)) have each demonstrated that they are eligible for a separate rate. Further, Commerce is rescinding this review with respect to Deosen USA, Inc. Commerce also determines that three companies for which we initiated reviews had no shipments during the POR.

DATES: Applicable February 6, 2024.

FOR FURTHER INFORMATION CONTACT: Reginald Anadio, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3166.

SUPPLEMENTARY INFORMATION:

Background

On August 3, 2023, Commerce published the *Preliminary Results* and invited interested parties to comment.¹

¹ See *Xanthan Gum from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, Partial Rescission of the Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2021-2022*, 88 FR 51286 (August 3, 2023) (*Preliminary*

Commerce extended the deadline for these final results by 60 days until January 30, 2024.² For details regarding the events that occurred subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.³ Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁴

The product covered by the *Order* includes dry xanthan gum, whether or not coated or blended with other products. For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues parties raised and to which we responded in the Issues and Decision Memorandum is provided in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Determination of No Shipments

In the *Preliminary Results*, Commerce determined that Beijing Rodia Auto Sport Ltd. (Beijing Rodia), Zamp Inc. dba Z Sports (Z Sports), and Shanghai Smart Chemicals Co. Ltd. (Shanghai Smart) did not have shipments of subject merchandise during the POR.⁵ As we received no information to contradict our preliminary determination with respect to Beijing Rodia, Z Sports, and Shanghai Smart, we continue to find that they made no

Results), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, "Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated November 3, 2023.

³ See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2021-2022 Administrative Review of the Antidumping Duty Order on Xanthan Gum from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See *Xanthan Gum from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 43143 (July 19, 2013) (*Order*).

⁵ See *Preliminary Results*, 88 FR at 51286.

shipments of subject merchandise to the United States during the POR.

We received no comments regarding our preliminary finding that Deosen Biochemical Ltd. had reviewable transactions during the POR.⁶ Accordingly, we continue to find that Deosen Biochemical Ltd. had reviewable transactions and is subject to this administrative review.⁷

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our Preliminary Results, we made certain changes to the preliminary weighted-average dumping margin calculation for Fufeng, Meihua, and three other companies/company groups listed in the “Final Results of Review” section, below. For further discussion of these changes, see the Issues and Decision Memorandum.

Partial Rescission of Administrative Review

Consistent with 19 CFR 351.213(d), Commerce is rescinding this review, in part, with respect to Deosen USA, Inc.

Separate Rates

No parties commented on our preliminary separate rate determination. Therefore, we have continued to grant separate rate status to Fufeng, Meihua, and three other companies/company

groups listed in the “Final Results of Review” section, below. Additionally, consistent with the Preliminary Results, we have continued to deny separate rate status to the following companies: A.H.A. International Co., Ltd.; East Chemsources Ltd.; Foodchem Biotech Co., Ltd.; Greenhealth International Co., Ltd. (Hong Kong); Guangzhou Zio Chemical Co., Ltd.; Hangzhou Yuanjia Chemical Co., Ltd.; Hebei Xinhe Biochemical Co., Ltd.; H&H International Forwarders Co.; Nanotech Solutions SDN BHD; Powertrans Freight Systems, Inc.; Qingdao Yalai Chemical Co., Ltd.; Shanghai Tianjia Biochemical Co., Ltd.; Shanxi Reliance Chemicals Co., Ltd.; The TNN Development Ltd.; The TNN Development USA Inc.; Unionchem Corp. Ltd.; Wanping Bio Chem Co., Ltd.; and Weifang Hongyuan Chemical Co., Ltd.⁸

Rate for Non-Examined Separate Rate Respondents

The statute and Commerce’s regulations do not address what rate to apply to respondents 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 an

investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually-examined respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available. When the rates for individually examined companies are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use “any reasonable method” to establish the all-others rate.

We calculated a 2.90 percent dumping margin for one of the mandatory respondents in this review, Fufeng, and a 20.63 percent dumping margin for the other mandatory respondent, Meihua. Therefore, we assigned the separate rate respondents, Jianlong, Deosen, and CP Kelco (Shandong), a dumping margin equal to the weighted average of the dumping margins for Fufeng and Meihua, consistent with the guidance in section 735(c)(5)(A) of the Act.⁹

Final Results of Review

We determine that the following dumping margins exist for the period July 1, 2021, through June 30, 2022:

Exporter	Weighted-average dumping margin (percent)
Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)/Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd	2.90
Meihua Group International Trading (Hong Kong) Limited/Langfang Meihua Biotechnology Co., Ltd./Xinjiang Meihua Amino Acid Co., Ltd	20.63
Jianlong Biotechnology Co., Ltd. (formerly, Inner Mongolia Jianlong Biochemical Co., Ltd)	3.87
Deosen Biochemical (Ordos) Ltd./Deosen Biochemical Ltd	3.87
CP Kelco (Shandong) Biological Company Limited	3.87

Disclosure

Pursuant to 19 CFR 351.224(b), we will disclose the calculations we performed for these final results to the parties to this proceeding within five days of the publication of this notice in the Federal Register.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S.

Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the publication date of these final results in the Federal Register. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries

until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For Fufeng and Meihua, Commerce will calculate importer-specific assessment rates for antidumping duties, in accordance with 19 CFR 351.212(b)(1). Where the respondent reported reliable entered values, Commerce intends to calculate importer-specific *ad valorem* assessment rates by aggregating the

⁶ See Xanthan Gum from the People’s Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2017–2018, 84 FR 26813 (June 10, 2019), and accompanying PDM at 6 (citing Memorandum, “Deosen Biochemical Ltd. and Deosen Biochemical (Ordos) Ltd. Affiliation and Single Entity Status,” dated June 4, 2019,

unchanged in Xanthan Gum from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017–2018, 84 FR 64831 (November 25, 2019)).

⁷ See Deosen Biochemical Ltd.’s Letter, “Separate Rate Application,” dated October 7, 2022.

⁸ See Preliminary Results PDM at 13.

⁹ See the Issues and Decision Memorandum at Comment 10 and Memorandum, “Final Calculation of the Dumping Margin for Respondents Not Selected for Individual Examination,” dated concurrently with, and hereby adopted by, this notice for the discussion of this issue.

amount of dumping calculated for all U.S. sales to the importer and dividing this amount by the total entered value of the merchandise sold to the importer.¹⁰ Where the respondent did not report entered values, Commerce will calculate importer-specific assessment rates by dividing the amount of dumping for reviewed sales to the importer by the total quantity of those sales. Commerce will calculate an estimated *ad valorem* importer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis* (i.e., 0.50 percent or below); however, Commerce will use the per-unit assessment rate where entered values were not reported.¹¹ Where an importer-specific *ad valorem* assessment rate is not zero or *de minimis*, Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis*, or an importer-specific *ad valorem* assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.¹²

For entries submitted by an exporter individually examined during this review that were not reported in the U.S. sales database, but that entered under the case number of that exporter (i.e., at the individually-examined exporter's cash deposit rate), Commerce will instruct CBP to liquidate such entries at the China-wide entity rate (i.e., 154.07 percent).¹³

For respondents not individually examined in this administrative review that qualified for a separate rate (i.e., Jianlong, Deosen, and CP Kelco (Shandong)), the assessment rate will be the weighted average of the dumping margin assigned to the mandatory respondents (i.e., Fufeng and Meihua) in these final results of this review.

For the respondents not eligible for a separate rate that are part of the China-wide entity, we intend to instruct CBP to apply an *ad valorem* assessment rate of 154.07 percent (i.e., the China-wide entity rate) to all entries of subject merchandise exported by these companies during the POR.

Additionally, if Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the China-wide entity rate.

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act, the cash deposit requirements effective for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review will be as follows: (1) for the exporters listed in the table above, the cash deposit rate will be the rate indicated; (2) for previously investigated or reviewed exporters of subject merchandise not listed in the table above that have separate rates, the cash deposit rate will continue to be the most recently published exporter-specific rate; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate previously established for the China-wide entity (154.07 percent); and (4) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-China exporter. The cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification of 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 the POR. 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 also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility to return or destroy proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing the final results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: January 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes to the *Preliminary Results*
- V. Discussion of the Issues
 - Comment 1: Whether Commerce Selected an Incorrect Surrogate Value (SV) for Valuing Bean Pulp
 - Comment 2: Whether Commerce Double Counted Energy
 - Comment 3: Whether Commerce Should Have Selected Other Financial Statements and Averaged Their Ratios
 - Comment 4: The Cohen's *d* Test
 - Comment 5: Whether Commerce Should Have Selected a Different Source for Water SVs
 - Comment 6: Whether SAM HPRP Chemicals, Inc. d/b/a SAM Nutrition (SAM) Provided Sufficient Record Evidence to Support Commerce's Finding that SAM Was a Wholesaler of Domestic Like Product during the POR
 - Comment 7: Whether SAM Acted to the Best of Its Ability to Respond to Commerce's Questionnaires
 - Comment 8: Whether Commerce Should Exclude Deosen USA, Inc. from the Review
 - Comment 9: Whether Commerce Should Rescind the Review with Respect to Deosen Biochemical Ltd.
 - Comment 10: Whether Commerce Correctly Calculated the Separate Rate
- VI. Recommendation

[FR Doc. 2024-02298 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-067; A-475-839; A-583-863; C-570-068]

Forged Steel Fittings From the People's Republic of China, Italy, and Taiwan: Continuation of Antidumping and Countervailing Duty Orders

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on forged steel fittings (FSF) from the People's Republic of China (China), Italy, and Taiwan and the countervailing duty (CVD) order on FSF from China would likely lead to the continuation or recurrence of dumping

¹⁰ See 19 CFR 351.212(b)(1).

¹¹ *Id.*

¹² See 19 CFR 351.106(c)(2).

¹³ See *Order*, 78 FR at 43144.

and countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable January 31, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Palmer, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-9068.

SUPPLEMENTARY INFORMATION:

Background

On November 26, 2018, Commerce published in the **Federal Register** the AD orders on FSF from China, Italy, and Taiwan and the CVD order on FSF from China.¹ On August 1, 2023, the ITC instituted,² and Commerce initiated,³ the first five-year (sunset) review of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.⁴

On January 31, 2024, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁵

¹ See *Forged Steel Fittings from the People's Republic of China: Countervailing Duty Order*, 83 FR 60396 (November 26, 2018); *Forged Steel Fittings from Taiwan: Antidumping Duty Order*, 83 FR 48280 (September 24, 2018); *Forged Steel Fittings from Italy and the People's Republic of China: Antidumping Duty Orders*, 83 FR 60397 (November 26, 2018) (collectively, the *Orders*).

² See *Forged Steel Fittings from China, Italy, and Taiwan: Institution of Five-Year Reviews*, 88 FR 50172 (August 1, 2023).

³ See *Initiation of Five-Year (Sunset) Reviews*, 88 FR 50110 (August 1, 2023).

⁴ See *Forged Steel Fittings from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order*, 88 FR 83903 (December 1, 2023), and accompanying Issues and Decision Memorandum (IDM); see also *Forged Steel Fittings from the People's Republic of China, Taiwan, and Italy: Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders*, 88 FR 83909 (December 1, 2023), and accompanying IDM.

⁵ See *Forged Steel Fittings from China, Italy, and Taiwan*, 89 FR 6131 (January 31, 2024) (ITC Final Determination).

Scope of the Orders

The products covered by the *Orders* are carbon and alloy forged steel fittings, whether unfinished (commonly known as blanks or rough forgings) or finished. Such fittings are made in a variety of shapes including, but not limited to, elbows, tees, crosses, laterals, couplings, reducers, caps, plugs, bushings, unions, and outlets. Forged steel fittings are covered regardless of end finish, whether threaded, socket-weld or other end connections.

While these fittings are generally manufactured to specifications ASME B16.11, MSS SP-79, MSS SP-83, MSS SP-97, ASTM A105, ASTM A350, and ASTM A182, the scope is not limited to fittings made to these specifications.

The term forged is an industry term used to describe a class of products included in applicable standards, and does not reference an exclusive manufacturing process. Forged steel fittings are not manufactured from casting. Pursuant to the applicable specifications, subject fittings may also be machined from bar stock or machined from seamless pipe and tube.

All types of fittings are included in the scope regardless of nominal pipe size (which may or may not be expressed in inches of nominal pipe size), pressure rating (usually, but not necessarily expressed in pounds of pressure/PSI, e.g., 2,000 or 2M; 3,000 or 3M; 6,000 or 6M; 9,000 or 9M), wall thickness, and whether or not heat treated. Excluded from this scope are all fittings entirely made of stainless steel. Also excluded are flanges, butt weld fittings, butt weld outlets, nipples, and all fittings that have a maximum pressure rating of 300 pounds of pressure/PSI or less.

Also excluded are fittings certified or made to the following standards, so long as the fittings are not also manufactured to the specifications of ASME B16.11, MSS SP-79, MSS SP-83, MSS SP-97, ASTM A105, ASTM A350, and ASTM A182:

- American Petroleum Institute (API) 5CT, API 5L, or API 11B
- Society of Automotive Engineering (SAE) J476, SAE J514, SAE J516, SAE J517, SAE J518, SAE J1026, SAE J1231, SAE J1453, SAE J1926, J2044 or SAE AS 35411
- Underwriter's Laboratories (UL) certified electrical conduit fittings
- ASTM A153, A536, A576, or A865
- Casing Conductor Connectors 16–42 inches in diameter made to proprietary specifications
- Military Specification (MIL) MIL-C-4109F and MIL-F-3541

- International Organization for Standardization (ISO) ISO 6150–B

To be excluded from the scope, products must have the appropriate standard or pressure markings and/or be accompanied by documentation showing product compliance to the applicable standard or pressure, e.g., “API 5CT” mark and/or a mill certification report.

Subject carbon and alloy forged steel fittings are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7307.99.1000, 7307.99.3000, 7307.99.5045, and 7307.99.5060. They also may be entered under HTSUS subheadings 7307.92.3010, 7307.92.3030, 7307.92.9000, and 7326.19.0010. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.⁶

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders*. U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be January 31, 2024.⁷ Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

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

⁶ See *Orders*.

⁷ See ITC Final Determination.

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: January 31, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024-02386 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration**

[C-570-130]

Certain Walk-Behind Lawn Mowers and Parts Thereof From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2020-2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Ningbo Daye Garden Machinery Co., Ltd. (Ningbo Daye), a producer/exporter of certain walk-behind lawn mowers and parts thereof (lawn mowers) from the People's Republic of China (China), received countervailable subsidies during the period of review (POR), October 30, 2020, through December 31, 2021.

DATES: Applicable February 6, 2024.

FOR FURTHER INFORMATION CONTACT: Natasia Harrison or Harrison Tanchuck, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1240 or (202) 482-7421, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On August 3, 2023, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** and invited interest parties to comment.¹ We received timely-filed case briefs from the Government of China (GOC) and Ningbo

Daye.² On November 17, 2023, Commerce extended the deadline for issuing these final results to January 30, 2024.³ For a complete description of the events that occurred since the publication of the *Preliminary Results*, see the Issues and Decision Memorandum.⁴

Scope of the Order⁵

The merchandise covered by the Order is lawn mowers from China. For a complete description of the scope of the Order, see the Issues and Decision Memorandum.⁶

Analysis of Comments Received

All issues raised by interested parties in their case briefs are addressed in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is provided in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on our analysis of the comments received from interested parties and the evidence on the record, we revised the calculation of the net countervailable subsidy rate for Ningbo Daye. For a full description of these revisions, see the Issues and Decision Memorandum.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found

countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁷ For a full description of the methodology underlying Commerce's conclusions, including any determination that relied upon the use of adverse facts available, pursuant to sections 776(a) and (b) of the Act, see the Issues and Decision Memorandum.

Final Results of Administrative Review

We determine the following net countervailable subsidy rate exists for the period October 30, 2020, through December 31, 2021:

Company	Subsidy rate for the period October 30, 2020, through December 31, 2020 (percent <i>ad valorem</i>)	Subsidy rate for the period January 1, 2021, through December 31, 2021 (percent <i>ad valorem</i>)
Ningbo Daye Garden Machinery Co., Ltd. ⁸	9.12	8.57

Disclosure

Commerce intends to disclose to the calculations performed in connection with the final results of review within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has

² See GOC's Letter, "Case Brief," dated September 12, 2023; Ningbo Daye's Letter, "Ningbo Daye's Case Brief," dated September 12, 2023.

³ See Memorandum, "Extension of Deadline for Final Results of Countervailing Duty Administrative Review; 2020-2021," dated November 17, 2023.

⁴ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China; 2020-2021," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁵ See *Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination*, 86 FR 36702 (July 13, 2021) (*Order*).

⁶ See Issues and Decision Memorandum at 2-3.

⁷ 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.

⁸ This rate applies to Ningbo Daye and its cross-owned companies: Zhejiang Jindaye Holdings Limited and Ningbo Lingyue.

¹ See *Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Review, in Part; 2020-2021*, 88 FR 51269 (August 3, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above for the period January 1, 2021, through December 31, 2021, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms subject to the *Order*, Commerce will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate (*i.e.*, 15.95 percent)⁹ applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Administrative Protective Order

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

Notification to Interested Parties

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

Dated: January 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Results*
- IV. Scope of the *Order*
- V. Subsidies Valuation
- VI. Interest Rate Benchmarks, Discount Rates, and Benchmarks for Measuring Adequacy of Remuneration
- VII. Use of Facts Otherwise Available and Adverse Inferences
- VIII. Analysis of Programs
- IX. Analysis of Comments

Comment 1: Whether Commerce Should Apply Adverse Facts Available (AFA) to the Export Buyer's Credit Program (EBCP)

Comment 2: Whether Commerce Should Apply AFA to find that the Provision of Electricity for Less Than Adequate Remuneration (LTAR) is Specific

Comment 3: Whether Individually-Owned Cold-Rolled Steel (CRS) Input Suppliers Are Government Authorities

Comment 4: Whether Commerce Should Change the Domestic Inland Freight Benchmarks Used to Measure the Benefit from the Provision of CRS for LTAR

Comment 5: Whether Commerce Made Certain Errors in the Benefit Calculations for the Provision of CRS for LTAR and the Provision of Electricity for LTAR Programs

X. Recommendation

[FR Doc. 2024-02293 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Open Meeting of the Internet of Things Advisory Board

AGENCY: National Institute of Standards and Technology (NIST).

ACTION: Notice of open meeting.

SUMMARY: The Internet of Things (IoT) Advisory Board will meet Tuesday, February 27 and Wednesday, February 28, 2024 from 11:00 a.m. until 5:00 p.m., eastern time. Both sessions will be open to the public.

DATES: The Internet of Things (IoT) Advisory Board will meet Tuesday, February 27 and Wednesday, February 28, 2024 from 11:00 a.m. until 5:00 p.m., eastern time.

ADDRESSES: The meeting will be virtual via Webex webcast hosted by the National Cybersecurity Center of Excellence (NCCoE) at NIST. Please note registration instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT:

Barbara Cuthill, Information Technology Laboratory, National Institute of Standards and Technology, Telephone: (301) 975-3273, Email address: barbara.cuthill@nist.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. 1001 *et seq.*, notice is hereby given that the IoT Advisory Board will hold open meetings on Tuesday, February 27 and Wednesday, February 28, 2024 from 11:00 a.m. until 5:00 p.m., eastern time. Both sessions will be open to the public. The IoT Advisory Board is authorized

by section 9204(b)(5) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283) and advises the IoT Federal Working Group convened by the Secretary of Commerce pursuant to Section 9204(b)(1) of the Act on matters related to the Federal Working Group's activities. Details regarding the IoT Advisory Board's activities are available at <https://www.nist.gov/itl/applied-cybersecurity/nist-cybersecurity-iot-program/internet-things-advisory-board>.

The agenda for the February, 2024 meeting is expected to focus on reviewing final editing of the IoT Advisory Board's report for the IoT Federal Working Group and the recommendations in that report.

The recommendations and discussions are expected to focus on the specific focus areas for the report cited in the legislation and the charter:

- Smart traffic and transit technologies
- Augmented logistics and supply chains
- Sustainable infrastructure
- Precision agriculture
- Environmental monitoring
- Public safety
- Health care

In addition, the IoT Advisory Board may discuss other elements that the legislation called for in the report:

- whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;
- policies, programs, or multi-stakeholder activities that—
 - promote or are related to the privacy of individuals who use or are affected by the Internet of Things;
 - may enhance the security of the Internet of Things, including the security of critical infrastructure;
 - may protect users of the Internet of Things; and
 - may encourage coordination among Federal agencies with jurisdiction over the Internet of Things

Note that agenda items may change without notice. The final agendas will be posted on the IoT Advisory Board web page: <https://www.nist.gov/itl/applied-cybersecurity/nist-cybersecurity-iot-program/internet-things-advisory-board>.

Public Participation: Written comments and requests to present comments orally to the IoT Advisory Board from the public are invited and may be submitted electronically by email to Barbara Cuthill at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of

⁹ See *Order*, 86 FR at 36703.

this notice by 5 p.m. on the Tuesday, February 20, 2024 to allow distribution of written comments to IoT Advisory Board members prior to the meeting. Each IoT Advisory Board meeting agenda will include a period, not to exceed sixty minutes, for oral presentation of comments from the public. Oral presentation of comments from the public during this sixty-minute period will be accommodated on a first-come, first-served basis and limited to five minutes per person for oral presentation if requested by the commenter. Members of the public who wish to expand upon their submitted comments, those who had wished to present comments orally but could not be accommodated on the agenda, and those who were unable to attend the meeting via webinar, are invited to submit written statements. In addition, written statements are invited and may be submitted to the IoT Advisory Board at any time. All written statements should be directed to the IoT Advisory Board Secretariat, Information Technology Laboratory by email to: Barbara.Cuthill@nist.gov.

Admittance Instructions: Participants planning to attend via webinar must register via the instructions found on the IoT Advisory Board's web page at <https://www.nist.gov/itl/applied-cybersecurity/nist-cybersecurity-iot-program/internet-things-advisory-board>.

Tamiko Ford,
NIST Executive Secretariat.

[FR Doc. 2024-02289 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD710]

Marine Mammals; File Nos. 27408, 27499, and 27503

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 Alaska Sea Life Center (ASLC), P.O. Box 1329, 301 Railway Avenue, Seward, AK 99664 (Responsible Party: Tara Reimer, Ph.D.); Alaska Fisheries Science Center's Marine Mammal Laboratory (MML), 7600 Sand Point Way NE, Seattle, WA 98115 (Responsible Party: John Bengston); and the Alaska Department of Fish and Game (ADF&G), P.O. Box 25526, Juneau, AK 99802

(Responsible Party: Michael Rehberg), have applied in due form for permits to conduct research on Steller sea lions (*Eumetopias jubatus*).

DATES: Written comments must be received on or before March 7, 2024.

ADDRESSES: The applications and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting the File No. 27408 (ASLC), 27499 (MML), or 27503 (ADF&G) from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include the File Nos. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Sara Young, Shasta McClenahan, Ph.D., or Jennifer Skidmore at (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

For File No. 27408: ASLC proposes to conduct research to monitor population vital rates of the endangered western distinct population segment (wDPS) of Steller sea lions and determine what factors most affect vital rates and the potential for population recovery, focusing on population dynamics, health, diet, and behavior. Individuals may be taken in the Gulf of Alaska by the following means: disturbance associated with capture, observational studies, and material/scat/carcass collection; capture, restraint, and sampling; and remote biopsy. Captured sea lions will undergo morphometrics, digital imaging, hot-branding, biological sampling, temporary marking, and ultrasound exams. ASLC requests four unintentional mortalities from the

wDPS over the duration of the permit. California sea lions (*Zalophus californianus*) may be disturbed during the research. See the application for complete numbers of animals requested by species and procedure. The requested duration of this permit is 5 years.

For File No. 27499: MML proposes to conduct research to measure population status, vital rates, foraging ecology, habitat requirements, and effects of natural and anthropogenic factors impacting Steller sea lion populations pursuant to fulfilling the NMFS legal requirements under the MMPA and ESA, and to test hypotheses of mechanisms underlying population trends in Alaska. Proposed activities include surveys (aerial, vessel, and land) including unmanned aircraft systems (UAS), capture and handling, marking, hot branding, sampling (including but not limited to blood, blubber, swabs of all mucus membranes and lesions, skin samples, vibrissae, feces, urine, hair, and nail), tagging, and unintentional disturbance. Animals may be disturbed by surveys, captured, sampled and released for vital rates, foraging ecology and/or health studies multiple times per year. MML requests four unintentional mortalities from the wDPS annually, not to exceed eight over the duration of the permit. Non-target species that may be disturbed unintentionally to these studies include northern fur seals (*Callorhinus ursinus*), harbor seals (*Phoca vitulina*), and California sea lions. Collected samples may be exported for analysis. See the application for complete numbers of animals requested by species and procedure. The requested duration of this permit is 5 years.

For File No. 27503: ADF&G proposes to continue their long-term Steller sea lion research program, to investigate recovery trends, collecting survival and reproduction data, investigating movement between and within the populations, and monitoring threats. Proposed activities include: aerial (including UAS), vessel and ground-based surveys including counts, photography, and observations; remote biopsy sampling; captures including morphometrics, marking, external instrument attachment, biological sampling, ultrasound, and hot branding; and collection, import, export, and receipt of pinniped parts. ADF&G requests four unintentional mortalities annually from each the wDPS and eastern DPS, not to exceed eight per DPS over the duration of the permit. Non-target species that may be disturbed during these studies include northern fur seals, and harbor, spotted

(*Phoca largha*), ribbon (*Histiophoca fasciata*), ringed (*Pusa hispida*), and bearded (*Erignathus barbatus*) seals. See the application for complete numbers of animals requested by species and procedure. The requested duration of this 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 activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (NMFS 2007) and a supplemental environmental assessment (NMFS 2014) prepared for the addition of unmanned aerial surveys to the suite of Steller sea lion research activities analyzed under the EIS that concluded that issuance of the permits would not have a significant adverse impact on the human environment. An environmental review memo is being prepared to summarize these findings.

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: January 31, 2024.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024-02278 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD657]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene two webinar meetings of its Groundfish Management Team (GMT) and one meeting of its Groundfish Advisory Subpanel (GAP). The first meetings held by the GAP and the meeting of the GMT will discuss items on the Pacific Council's March 2024 meeting agenda. The second meeting of the GMT is to discuss items on the Pacific Council's April 2024

meeting agenda. These meetings are open to the public.

DATES: The GAP online meeting will be held on Wednesday, February 21, 2024, from 1 p.m. to 3 p.m., Pacific Time. The first GMT online meeting will be held on Thursday, February 22, 2024, from 9 a.m. to 12 p.m., Pacific Time. The second GMT online meeting will be held on Tuesday, March 26, 2024, from 9 a.m. to 12 p.m., Pacific Time. The scheduled ending times for these meetings are an estimate. Each meeting will adjourn when business for the day is completed.

ADDRESSES: Both meetings will be held online. Specific meeting information, including directions on how to attend the meeting 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) 820-2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT:

Todd Phillips, Staff Officer, Pacific Council; todd.phillips@noaa.gov; telephone: (503) 820-2426.

SUPPLEMENTARY INFORMATION: The primary purpose of the GAP webinar held on February 21, 2024 and the GMT webinar held on February 22, 2024 is to prepare for the Pacific Council's March 2024 meeting agenda items. The advisory bodies are expected to primarily discuss groundfish related matters during this webinar. As time allows, they may potentially discuss ecosystem and administrative matters on the Pacific Council agenda as well.

The primary purpose of the GMT webinar held on March 26, 2024 is to prepare for the Pacific Council's April 2024 meeting agenda items. The GMT will discuss items related to 2025-26 groundfish harvest specifications and management measures, and inseason management on the Pacific Council agenda.

Detailed agendas for the webinars will be available on the Pacific Council's website prior to the meetings. The GAP and GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT and GAP.

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: January 31, 2024.

Key Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-02277 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD588]

Takes of Marine Mammals Incidental To Specified Activities; Taking Marine Mammals Incidental to U.S. Navy 2024 Ice Exercise Activities in the Arctic Ocean

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the U.S. Navy (Navy) to incidentally harass marine mammals during submarine training and testing activities associated with a 2024 Ice Exercise (ICEX24) Activities in the Arctic Ocean.

DATES: This authorization is effective from February 1, 2024 through April 30, 2024.

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-military-readiness-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT:

Leah Davis, 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 mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

The 2004 National Defense Authorization Act (NDAA; Pub. L. 108-136) removed the “small numbers” and “specified geographical region” limitations indicated above and amended the definition of “harassment” as applied to a “military readiness activity.” The activity for which incidental take of marine mammals is being requested qualifies as a military readiness activity.

Summary of Request

On May 24, 2023, NMFS received a request from the Navy for an IHA to take marine mammals incidental to submarine training and testing activities including establishment of a tracking range on an ice floe in the Arctic Ocean, north of Prudhoe Bay, Alaska. Following NMFS’ review of the application, the Navy submitted a revised application on October 13, 2023

that removed the request for take of bearded seal and included an updated take estimate for ringed seals. The application was deemed adequate and complete on October 19, 2023. The Navy’s request is for take of ringed seal by Level B harassment. Neither the Navy nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued IHAs to the Navy for similar activities (83 FR 6522, February 14, 2018; 85 FR 6518, February 5, 2020; 87 FR 7803, February 10, 2022). The Navy complied with all the requirements (e.g., mitigation, monitoring, and reporting) of the previous IHAs, and information regarding their monitoring results may be found in the Estimated Take of Marine Mammals section.

Description of the Specified Activity

The Navy proposes to conduct submarine training and testing activities, which includes the establishment of a tracking range and temporary ice camp, and research in the Arctic Ocean for six weeks beginning in February 2024. Submarine active acoustic transmissions may result in occurrence of Level B harassment, including direct behavioral disturbance or temporary hearing impairment (temporary threshold shift (TTS)), of ringed seals. A detailed description of the planned ICEX24 activities is provided in the **Federal Register** notice for the proposed IHA (88 FR 85244, December 7, 2023). 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.

Comments and Responses

A notice of NMFS’ proposal to issue an IHA to the Navy was published in the **Federal Register** on December 7, 2023 (88 FR 85244). That notice described, in detail, the Navy’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 authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. During the 30-day public comment period, NMFS did not receive any public comments.

Changes From the Proposed IHA to Final IHA

Since publication of the proposed IHA, NMFS made two updates to the required mitigation measures. The proposed IHA required that fixed wing aircraft must operate at the highest altitudes practicable taking into account safety of personnel, meteorological conditions, and need to support safe operations of a drifting ice camp. Aircraft must not reduce altitude if a seal is observed on the ice. In general, cruising elevation must be 305 meters (m; 1,000 feet (ft)) or higher. This final IHA requires that cruising elevation must be 457 m (1,500 ft) or higher. This change aligns with NMFS’ biological opinion and the U.S. Fish and Wildlife Service’s requirements for polar bears. Further, NMFS updated its requirement for personnel on foot and operating on-ice vehicles to avoid areas of deep snowdrifts and pressure ridges to clarify that a deep snow drift is one that is >0.5 m, and these areas must be avoided by 0.8 kilometers (km), consistent with NMFS’ biological opinion.

NMFS also added a requirement that when traveling away from camp, each snow machine must have a dedicated observer (not the vehicle operator) or each expeditionary team must have at least one observer. Observers must be capable of observing and recording marine mammal presence and behaviors, and accurately and completely record data. When traveling, observers will have no other primary duty than to watch for and report observations related to marine mammals and human/seal interactions. Dedicated observers can also serve as the communicator between the field party and camp. These changes and additions align with NMFS’ biological opinion.

Last, NMFS added several reporting measures to this final IHA to align with NMFS’ biological opinion. The Navy must report the following: the minimum distance between human activities and seals or seal lairs; the duration of time during which seals or seal lairs were known to be present within 150 m of human activities, and the behaviors exhibited by the seals during those observation periods; and an account of the status of all seal lairs located within 150 m of camps or ice trails through time.

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 this activity, 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. That said, in this case for the Arctic stock of ringed seals and as explained in footnote 5 of table 1, the lack of complete population information significantly impacts the usefulness of PBR in considering the status of the stock, as explained below.

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 NMFS' U.S. Alaska SARs (Young *et al.* 2023). All values presented in table 2 are the most recent available at the time of publication and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>. However, for the same reason noted above and as described in footnote 5 of table 1, the lack of complete population information for the Arctic stock of ringed seals impacts the usefulness of these numbers in considering the impacts of the anticipated take on the stock.

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES ¹

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
Ringed Seal	<i>Pusa hispida</i>	Arctic	T, D, Y	UND ⁵ (UND, UND, 2013)	UND	⁶ 6,459

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/>; Committee on Taxonomy (2022)).

² ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). 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, ship 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 A reliable population estimate for the entire stock is not available. Using a sub-sample of data collected from the U.S. portion of the Bering Sea, an abundance estimate of 171,418 ringed seals has been calculated, but this estimate does not account for availability bias due to seals in the water or in the shorefast ice zone at the time of the survey. The actual number of ringed seals in the U.S. portion of the Bering Sea is likely much higher. Using the N_{min} based upon this negatively biased population estimate, the PBR is calculated to be 4,755 seals, although this is also a negatively biased estimate.

⁶ The majority of the M/SI for this stock (6,454 of 6,459 animals) is a result of the Alaska Native subsistence harvest. While M/SI appears to exceed PBR, given that the reported PBR is based on a partial stock abundance estimate, and is therefore an underestimate for the full stock, M/SI likely does not exceed PBR.

As indicated in table 1, ringed seals (with one managed stock) temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. While beluga whales (*Delphinapterus leucas*), gray whales (*Eschrichtius robustus*), bowhead whales (*Balaena mysticetus*), and spotted seals (*Phoca largha*) may occur in the ICEX24 Study Area, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. Bowhead whales are unlikely to occur in the ICEX24 Study Area between February and April, as they spend winter (December to April) in the northern Bering Sea and southern Chukchi Sea, and migrate north through the Chukchi Sea and Beaufort Sea during April and May (Young *et al.* 2023). On their spring migration, the

earliest that bowhead whales reach Point Hope in the Chukchi Sea, well south of Point Barrow, is late March to mid-April (Braham *et al.* 1980). Although the ice camp location is not known with certainty, the distance between Point Barrow and the closest edge of the Ice Camp Study Area is over 200 km (124.3 miles (mi)). The distance between Point Barrow and the closest edge of the Navy Activity Study Area is over 50 km (31 mi), and the distance between Point Barrow and Point Hope is an additional 525 km (326.2 mi; straight line distance); accordingly, bowhead whales are unlikely to occur in the ICEX24 Study Area before ICEX24 activities conclude. Beluga whales follow a migration pattern similar to bowhead whales. They typically overwinter in the Bering Sea and migrate north during the spring to the eastern Beaufort Sea where they spend

the summer and early fall months (Young *et al.* 2023). Though the beluga whale migratory path crosses through the ICEX24 Study Area, they are unlikely to occur in the ICEX24 Study Area between February and April. (Of note, the ICEX24 Study Area does overlap the northernmost portion of the North Bering Strait, East Chukchi, West Beaufort Sea beluga whale migratory Biologically Important Area (BIA; April and May), though the data support for this BIA is low, the boundary certainty is low, and the importance score is moderate. Given the spring migratory direction, the northernmost portion of the BIA is likely more important later in the April and May period, and overlap with this BIA does not imply that belugas are likely to be in the ICEX24 Study Area during the Navy's activities.) Gray whales feed primarily in the Beaufort Sea, Chukchi Sea, and

Northwestern Bering Sea during the summer and fall, but migrate south to winter in Baja California lagoons (Young *et al.* 2023). Typically, northward migrating gray whales do not reach the Bering Sea before May or June (Frost and Karpovich 2008), after the ICEX24 activities would occur, and several hundred kilometers south of the ICEX24 Study Area. Further, gray whales are primarily bottom feeders (Swartz *et al.* 2006) in water less than 60 m (196.9 ft) deep (Pike 1962). Therefore, on the rare occasion that a gray whale does overwinter in the Beaufort Sea (Stafford *et al.* 2007), we would expect an overwintering individual to remain in shallow water over the continental shelf where it could feed. Therefore, gray whales are not expected to occur in the ICEX24 Study Area during the ICEX24 activity period. Spotted seals may also occur in the ICEX24 Study Area during summer and fall, but they are not expected to occur in the ICEX24 Study Area during the ICEX24 timeframe (Muto *et al.* 2020).

Further, while the Navy initially requested take of bearded seals (*Erignathus barbatus*), which do occur in the ICEX24 Study Area during the project timeframe, NMFS does not expect that bearded seals would occur in the areas near the ice camp or where submarine activities involving active acoustics would occur, and therefore incidental take is not anticipated to occur and has not been proposed for authorization. Bearded seals are not discussed further beyond the explanation provided here. The Navy anticipates that the ice camp would be established 100–200 nautical miles (nmi; 185–370 km) north of Prudhoe Bay in water depths of 800 m (2,625 ft) or more, and also that submarine training and testing activities would occur in water depths of 800 m (2,625 ft) or more. Although acoustic data indicate that some bearded seals remain in the Beaufort Sea year round (MacIntyre *et al.* 2013, 2015; Jones *et al.* 2014), satellite tagging data (Boveng and Cameron 2013; ADF&G 2017) show that large numbers of bearded seals move south in fall/winter with the advancing ice edge to spend the winter in the Bering Sea, confirming previous visual observations (Burns and Frost 1979; Frost *et al.* 2008; Cameron and Boveng 2009). The southward movement of bearded seals in the fall means that very few individuals are expected to occur along the Beaufort Sea continental shelf in February through April, the timeframe for ICEX24 activities. The northward spring migration through the

Bering Strait, begins in mid-April (Burns and Frost 1979).

In the event some bearded seals were to remain in the Beaufort Sea during the season when ICEX24 activities will occur, the most probable area in which bearded seals might occur during winter months is along the continental shelf. Bearded seals feed extensively on benthic invertebrates (*e.g.*, clams, gastropods, crabs, shrimp, bottom-dwelling fish; Quakenbush *et al.* 2011; Cameron *et al.* 2010) and are typically found in water depths of 200 m (656 ft) or less (Burns 1970). The Bureau of Ocean Energy Management (BOEM) conducted an aerial survey from June through October that covered the shallow Beaufort and Chukchi Sea shelf waters and observed bearded seals from Point Barrow to the border of Canada (Clarke *et al.* 2015). The farthest from shore that bearded seals were observed was the waters of the continental slope (though this study was conducted outside of the ICEX24 time frame). The Navy anticipates that the ice camp will be established 185–370 km (100–200 nmi) north of Prudhoe Bay in water depths of 800 m (2,625 ft) or more. The continental shelf near Prudhoe Bay is approximately 55 nmi (100 km) wide. Therefore, even if the ice camp were established at the closest estimated distance (100 nmi from Prudhoe Bay), it would still be approximately 45 nmi (83 km) distant from habitat potentially occupied by bearded seals. Empirical evidence has not shown responses to sonar that would constitute take beyond a few km from an acoustic source, and therefore, NMFS and the Navy conservatively set a distance cutoff of 10 km (6.2 mi). Regardless of the source level at that distance, take is not estimated to occur beyond 10 km (6.2 mi) from the source. Although bearded seals occur 20 to 100 nmi (37 to 185 km) offshore during spring (Simpkins *et al.* 2003; Bengtson *et al.* 2005), they feed heavily on benthic organisms (Hamilton *et al.* 2018; Hjelset *et al.* 1999; Fedoseev 1965), and during winter bearded seals are expected to select habitats where food is abundant and easily accessible to minimize the energy required to forage and maximize energy reserves in preparation for whelping, lactation, mating, and molting. Bearded seals are not known to dive as deep as 800 m (2,625 ft) to forage (Boveng and Cameron, 2013; Cameron and Boveng 2009; Cameron *et al.* 2010; Gjertz *et al.* 2000; Kovacs 2002), and it is highly unlikely that they would occur near the ice camp or where the submarine activities would be conducted. This conclusion is supported by the fact that

the Navy did not visually observe or acoustically detect bearded seals during the 2020 or 2022 ice exercises.

In addition, the polar bear (*Ursus maritimus*) may be found in the ICEX24 Study Area. However, polar bears are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

A detailed description of the of the Arctic stock of ringed seals, including brief introductions to the species and stock 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 (88 FR 85244, December 7, 2023); 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 or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.*, low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibels (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS
[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>)	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* 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 ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.* 2006; Kastelein *et al.* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The underwater noise from the Navy's submarine training and testing activities has the potential to result in behavioral harassment of marine mammals in the vicinity of the ICEx24 Study Area. The notice of proposed IHA (88 FR 85244, December 7, 2023) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from Navy's 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 (88 FR 85244, December 7, 2023).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform NMFS' consideration of the negligible impact determinations and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. For this military readiness activity, the MMPA defines "harassment" as (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not

limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where the behavioral patterns are abandoned or significantly altered (Level B harassment).

Authorized takes for individual marine mammals resulting from exposure to acoustic transmissions are by Level B harassment only, in the form of direct behavioral disturbance including TTS, which can be associated with disruptions in behavioral patterns resulting from an animal missing some acoustic cues during the time that their hearing sensitivity is reduced. Based on the nature of the activity, Level A harassment is neither anticipated nor authorized. As described previously, no serious injury or mortality is anticipated nor authorized for this activity. Below we describe how the 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 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 permanent threshold shift (PTS) of some degree (equated to Level A harassment).

Level B Harassment—In coordination with NMFS, the Navy developed behavioral thresholds to support environmental analyses for the Navy's testing and training military readiness activities utilizing active sonar sources; these behavioral harassment thresholds are used here to evaluate the potential effects of the active sonar components of the proposed specified activities. 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, 2021; Ellison *et al.* 2012).

The Navy's Phase III proposed pinniped behavioral threshold was updated based on controlled exposure experiments on the following captive animals: Hooded seal, gray seal, and California sea lion (Götz *et al.* 2010; Houser *et al.* 2013a; Kvadsheim *et al.* 2010). Overall exposure levels were 110–170 dB referenced to 1 micropascal (re 1 μ Pa) for hooded seals, 140–180 dB re 1 μ Pa for gray seals, and 125–185 dB re 1 μ Pa for California sea lions; responses occurred at received levels ranging from 125–185 dB re 1 μ Pa. However, the means of the response data were between 159 and 170 dB re 1 μ Pa. Hooded seals were exposed to increasing levels of sonar until an avoidance response was observed, while the grey seals were exposed first to a single received level multiple times, then an increasing received level. Each

individual California sea lion was exposed to the same received level 10 times. These exposure sessions were combined into a single response value, with an overall response assumed if an animal responded in any single session. Because these data represent a dose-response type relationship between received level and a response, and because the means were all tightly clustered, the Bayesian biphasic Behavioral Response Function for pinnipeds most closely resembles a traditional sigmoidal dose-response function at the upper received levels and has a 50 percent probability of response at 166 dB re 1 μ Pa. Additionally, to account for proximity to the source discussed above and based on the best scientific information, a conservative distance of 10 km is used beyond which exposures would not constitute a take under the military readiness definition of Level B harassment.

Level A harassment—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (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 Navy's activities include the use of non-impulsive (active sonar) sources.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS' 2018 Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>.

For previous ICEXs, the Navy's PTS/TTS analysis began with mathematical

modeling to predict the sound transmission patterns from Navy sources, including sonar. These data were then coupled with marine species distribution and abundance data to determine the sound levels likely to be received by various marine species. These criteria and thresholds were applied to estimate specific effects that animals exposed to Navy-generated sound may experience. For weighting function derivation, the most critical data required were TTS onset exposure levels as a function of exposure frequency. These values can be estimated from published literature by examining TTS as a function of sound exposure level (SEL) for various frequencies.

Table 3 below provides the weighted criteria and thresholds used in previous ICEX analyses for estimating quantitative acoustic exposures of marine mammals from the specified activities.

TABLE 3—ACOUSTIC THRESHOLDS IDENTIFYING THE ONSET OF BEHAVIORAL DISTURBANCE, TTS, AND PTS FOR NON-IMPULSIVE SOUND SOURCES¹

Functional hearing group	Species	Behavioral criteria	Physiological criteria	
			TTS threshold SEL (weighted)	PTS threshold SEL (weighted)
Phocid Pinnipeds (Underwater)	Ringed seal	Pinniped Dose Response Function ²	181 dB SEL cumulative ...	201 dB SEL cumulative.

¹ The threshold values provided are assumed for when the source is within the animal's best hearing sensitivity. The exact threshold varies based on the overlap of the source and the frequency weighting.

² See Figure 6–1 in the Navy's IHA application.

Note: SEL thresholds in dB re: 1 μ Pa²s.

Marine Mammal Occurrence and Take Calculation and Estimation

In previous ICEX analyses, the Navy has performed a quantitative analysis to estimate the number of ringed seals that could be harassed by the underwater acoustic transmissions during the proposed specified activities using marine mammal density estimates (Kaschner *et al.* 2006; Kaschner 2004), marine mammal depth occurrence distributions (U.S Department of the Navy, 2017), oceanographic and environmental data, marine mammal hearing data, and criteria and thresholds for levels of potential effects. Given the lack of recent density estimates for the ICEX Study Area and the lack of ringed seal observations and acoustic detections during ICEXs in the recent past (described in further detail below), NMFS expects that the ringed seal

density relied upon in previous ICEX analyses was an overestimate to a large degree, and that the resulting take estimates were likely overestimates as well. Please see the notice of the final IHA for ICEX 22 for additional information on that analysis (87 FR 7803, January 10, 2022).

For ICEX24, rather than relying on a density estimate, the Navy estimated take of ringed seals based on an occurrence estimate of ringed seals within the ICEX Study Area. Ringed seal presence in the ICEX Study Area was obtained using sighting data from the Ocean Biodiversity Information System-Spatial Ecological Analysis of Megavertebrate Populations (OBIS-SEAMAP; Halpin *et al.* 2009). The ICEX Study Area was overlaid on the OBIS-SEAMAP ringed seal sightings map that included sightings for years 2000 to

2007 and 2013. Sighting data were only available for the mid-to-late summer and fall months. Due to the paucity of winter and spring data, the average number of individual ringed seals per year was assumed to be present in the ICEX Study Area during ICEX24; therefore, it is assumed that three ringed seals would be present in the ICEX Study Area.

Table 4 provides range to effects for active acoustic sources proposed for ICEX24 to phocid pinniped-specific criteria. Phocids within these ranges would be predicted to receive the associated effect. Range to effects can be important information for predicting acoustic impacts, but also in determining adequate mitigation ranges to avoid higher level effects, especially physiological effects, to marine mammals.

TABLE 4—RANGE TO BEHAVIORAL DISTURBANCE, TTS, AND PTS IN THE ICEX24 STUDY AREA

Source/exercise	Range to effects (m)		
	Behavioral disturbance	TTS	PTS
Submarine Exercise	10,000 ^a	5,050	130 ^b

^a Empirical evidence has not shown responses to sonar that would constitute take beyond a few km from an acoustic source, which is why NMFS and the Navy conservatively set a distance cutoff of 10 km. Regardless of the source level at that distance, take is not estimated to occur beyond 10 km from the source.

^b The distance represents the range to effects for all ICEX24 activities.

Though likely conservative given the size of the ICEX Study Area in comparison to the size of the anticipated Level B harassment zone (10,000 m), Navy estimated that three ringed seals may be taken by Level B harassment per day of activity within the ICEX Study Area. Navy anticipates conducting active acoustic transmissions on 42 days, and therefore requested 126 takes

by Level B harassment of ringed seals (3 seals per day × 42 days = 126 takes by Level B harassment; table 5). NMFS concurs and proposes to authorize 126 takes by Level B harassment. Modeling for the three previous ICEXs (2018, 2020, and 2022), which employed similar acoustic sources, did not result in any estimated takes by PTS; therefore, particularly in consideration

of the fact that total takes were likely overestimated for those ICEX activities given the density information used in the analyses (NMFS anticipates that the density of ringed seals is actually much lower) and the relatively small range to effects for PTS (130 m), the Navy did not request, and NMFS has not authorized, take by Level A harassment of ringed seal.

TABLE 5—QUANTITATIVE MODELING RESULTS OF POTENTIAL EXPOSURES FOR ICEX ACTIVITIES

Species	Level B harassment	Level A harassment	Total
Ringed seal	126	0	126

During monitoring for the 2018 IHA covering similar military readiness activities in the ICEX22 Study Area, the Navy did not visually observe or acoustically detect any marine mammals (U.S. Navy, 2018). During monitoring for the 2020 IHA covering similar military readiness activities in the ICEX22 Study Area, the Navy also did not visually observe any marine mammals (U.S. Navy, 2020). Acoustic monitoring associated with the 2020 IHA did not detect any discernible marine mammal vocalizations (Henderson *et al.* 2021). The monitoring report states that “there were a few very faint sounds that could have been (ringed seal) barks or yelps.” However, these were likely not from ringed seals, given that ringed seal vocalizations are generally produced in series (Jones *et al.* 2014). Henderson *et al.* (2021) expect that these sounds were likely ice-associated or perhaps anthropogenic. While the distance at which ringed seals could be acoustically detected is not definitive, Henderson *et al.* (2021) states that Expendable Mobile ASW Training Targets (EMATTs) “traveled a distance of 10 nmi (18.5 km) away and were detected the duration of the recordings; although ringed seal vocalization source levels are likely far lower than the sounds emitted by the EMATTs, this gives some idea of the potential detection radius for the cryophone. The

periods when the surface anthropogenic activity is occurring in close proximity to the cryophone are dominated by those broadband noises due to the shallow hydrophone placement in ice (only 10 centimeters (cm) down), and any ringed seal vocalizations that were underwater could have been masked.” During monitoring for the 2022 IHA covering similar military readiness activities in the ICEX24 Study Area, the Navy also did not visually observe any marine mammals (U.S. Navy, 2022). With the exception of passive acoustic monitoring (PAM) conducted during activities for mitigation purposes (no detections), PAM did not occur in 2022 because the ice camp ice flow broke up, and therefore, Navy had to relocate camp. Given the lost time, multiple research projects were canceled, including the under-ice PAM that the Naval Postgraduate School was planning to conduct.

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)). The 2004 NDAA amended the MMPA as it relates to military readiness activities and the incidental take authorization process such that “least practicable impact” shall include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

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, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The IHA requires that appropriate personnel (including civilian personnel) involved in mitigation and training or testing activity reporting under the specified activities must complete Arctic Environmental and Safety Awareness Training. Modules include: Arctic Species Awareness and Mitigations, Environmental Considerations, Hazardous Materials Management, and General Safety.

Further, the following general mitigation measures are required to prevent incidental take of ringed seals on the ice floe associated with the ice camp (further explanation of certain mitigation measures is provided in parentheses following the measure):

- The ice camp and runway must be established on first-year and multi-year ice without pressure ridges. (This will minimize physical impacts to subnivean lairs and impacts to sea ice habitat suitable for lairs);
- Ice camp deployment must begin no later than mid-February 2024, and be gradual, with activity increasing over the first 5 days. Camp deployment must be completed by March 15, 2024. (Given that mitigation measures require that the ice camp and runway be established on first-year or multi-year ice without pressure ridges, as well as the average ringed seal lair density in the area, and the relative footprint of the Navy's planned ice camp (2 km² 0.8 mi²), it is extremely unlikely that a ringed seal would build a lair in the vicinity of the ice camp. Additionally, based on the best available science, Arctic ringed seal whelping is not expected to occur prior to mid-March, and therefore, construction of the ice camp will be completed prior to whelping in the area of ICEx24. Further, as noted above, ringed seal lairs are not expected to occur in the ice camp study area, and therefore, NMFS does not expect ringed seals to relocate pups due to human disturbance from ice camp activities, including construction);

- Personnel on all on-ice vehicles must observe for marine and terrestrial animals;

- Snowmobiles must follow established routes, when available. On-ice vehicles must not be used to follow any animal, with the exception of actively deterring polar bears in accordance with U.S. Fish and Wildlife Service requirements or guidance if the situation requires;

- Personnel on foot and operating on-ice vehicles must avoid areas of deep (>0.5 m) snowdrifts and pressure ridges by 0.8 km. (These areas are preferred areas for subnivean lair development);

- Personnel must maintain a 100 m (328 ft) avoidance distance from all observed marine mammals; and

- All material (e.g., tents, unused food, excess fuel) and wastes (e.g., solid waste, hazardous waste) must be removed from the ice floe upon completion of ICEx24 activities.

The following mitigation measures are required for activities involving acoustic transmissions (further explanation of certain mitigation measures is provided in parentheses following the measure):

- Personnel must begin PAM for vocalizing marine mammals 15 minutes prior to the start of activities involving active acoustic transmissions from submarines. (This PAM would be conducted for the area around the submarine in real time by technicians on board the submarine.);

- Personnel must delay active acoustic transmissions if a marine mammal is detected during pre-activity PAM and must shutdown active acoustic transmissions if a marine mammal is detected during acoustic transmissions; and

- Personnel must not restart acoustic transmissions until 15 minutes have passed with no marine mammal detections.

Ramp up procedures for acoustic transmissions are not required as the Navy determined, and NMFS concurs, that they would result in impacts on military readiness and on the realism of training that would be impracticable.

The following mitigation measures are required for aircraft activities to prevent incidental take of marine mammals due to the presence of aircraft and associated noise.

- Fixed wing aircraft must operate at the highest altitudes practicable taking into account safety of personnel, meteorological conditions, and need to support safe operations of a drifting ice camp. Aircraft must not reduce altitude if a seal is observed on the ice. In general, cruising elevation must be 457 m (1,500 ft) or higher;

- Unmanned Aircraft Systems (UAS) must maintain a minimum altitude of at least 15.2 m (50 ft) above the ice. They must not be used to track or follow marine mammals;

- Helicopter flights must use prescribed transit corridors when traveling to or from Prudhoe Bay and the ice camp. Helicopters must not hover or circle above marine mammals or within 457 m (1,500 ft) of marine mammals;

- Aircraft must maintain a minimum separation distance of 1.6 km (1 mi) from groups of 5 or more seals; and

- Aircraft must not land on ice within 800 m (0.5 mi) of hauled-out seals.

Based on our evaluation of the required measures, as well as other measures considered by NMFS as described above, NMFS has determined that the 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.

The Navy has coordinated with NMFS to develop an overarching program, the Integrated Comprehensive Monitoring Program (ICMP), intended to coordinate marine species monitoring efforts across all regions and to allocate the most appropriate level and type of effort for each range complex based on a set of standardized objectives, and in acknowledgement of regional expertise and resource availability. The ICMP was created in direct response to Navy requirements established in various MMPA regulations and ESA consultations. As a framework document, the ICMP applies by regulation to those activities on ranges and operating areas for which the Navy is seeking or has sought incidental take authorizations.

The ICMP is focused on Navy training and testing ranges where the majority of Navy activities occur regularly, as those areas have the greatest potential for being impacted by the Navy's activities. In comparison, ICES is a short duration exercise that occurs approximately every other year. Due to the location and expeditionary nature of the ice camp, the number of personnel on site is extremely limited and is constrained by the requirement to be able to evacuate all personnel in a single day with small planes. As such, the Navy asserts that a dedicated ICMP monitoring project is not feasible as it would require additional personnel and equipment, and NMFS concurs. However, the Navy is exploring the potential of implementing an environmental DNA (eDNA) study on ice seals.

Nonetheless, the Navy must conduct the following monitoring and reporting under the IHA. Ice camp personnel must generally monitor for marine mammals in the vicinity of the ice camp and record all observations of marine mammals, regardless of distance from the ice camp, as well as the additional

data indicated below. Additionally, Navy personnel must conduct PAM during all active sonar use. Ice camp personnel must also maintain an awareness of the surrounding environment and document any observed marine mammals. When traveling away from camp, each snow machine must have a dedicated observer (not the vehicle operator) or each expeditionary team must have at least one observer. Observers must be capable of observing and recording marine mammal presence and behaviors, and accurately and completely record data. When traveling, observers will have no other primary duty than to watch for and report observations related to marine mammals and human/seal interactions. Dedicated observers can also serve as the communicator between the field party and camp.

In addition, the Navy is required to provide NMFS with a draft exercise monitoring report within 90 days of the conclusion of the specified activity. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final. The report, at minimum, must include:

- Marine mammal monitoring effort including date, time, duration of observation efforts;
- The minimum distance between human activities and seals or seal lairs;
- Duration of time during which seals or seal lairs were known to be present within 150 m of human activities, and the behaviors exhibited by the seals during those observation periods;
- Account of the status of seal lairs located within 150 m of camps or ice trails through time;
- Ice camp activities occurring during each monitoring period (*e.g.*, construction, demobilization, safety watch, field parties);
- Number of marine mammals detected;
- Upon observation of a marine mammal, record the following information:
 - Environmental conditions when animal was observed, including relevant weather conditions such as cloud cover, snow, sun glare, and overall visibility, and estimated observable distance;
 - Lookout location and ice camp activity at time of sighting (or location and activity of personnel who made observation, if observed outside of designated monitoring periods);
 - Time and approximate location of sighting;

- Identification of the animal(s) (*e.g.*, seal, or unidentified), also noting any identifying features;

- Distance and location of each observed marine mammal relative to the ice camp location for each sighting;

- Estimated number of animals (min/max/best estimate); and

- Description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as 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).

Also, all sonar usage will be collected via the Navy's Sonar Positional Reporting System database. The Navy is required to provide data regarding sonar use and the number of shutdowns during ICES24 activities in the Atlantic Fleet Training and Testing (AFTT) Letter of Authorization 2025 annual classified report. The Navy is also required to analyze any declassified underwater recordings collected during ICES24 for marine mammal vocalizations and report that information to NMFS, including the types and nature of sounds heard (*e.g.*, clicks, whistles, creaks, burst pulses, continuous, sporadic, strength of signal) and the species or taxonomic group (if determinable). This information will also be submitted to NMFS with the 2025 annual AFTT declassified monitoring report.

Finally, in the event that personnel discover an injured or dead marine mammal, personnel must report the incident to OPR, NMFS and to the Alaska regional stranding network as soon as feasible. 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(s) was discovered (*e.g.*, during submarine activities, observed on ice floe, or by transiting aircraft).

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).

Underwater acoustic transmissions associated with ICEX24, as outlined previously, have the potential to result in Level B harassment of ringed seals in the form of behavioral disturbance and TTS. Given the nature of the activity, no take by Level A harassment, serious injury, or mortality are anticipated to result from this activity even absent mitigation, and no such takes are authorized. Further, at close ranges and high sound levels approaching those that could cause PTS, seals would likely avoid the area immediately around the sound source.

NMFS anticipates that take of ringed seals by TTS could occur from the submarine activities. TTS is a temporary impairment of hearing and can last from minutes or hours to days (in cases of strong TTS) and which can result in disruptions to behavioral patterns from missing acoustic cues associated with, for example, conspecific communication or prey detection. In many cases, however, hearing sensitivity recovers rapidly after exposure to the sound ends. This activity has the potential to result in only minor levels of TTS, and hearing sensitivity of affected animals would be expected to recover quickly. Though

TTS may occur as indicated, the overall fitness of the impacted individuals is unlikely to be affected given the temporary nature of TTS and the minor levels of TTS expected from these activities. Negative impacts on the reproduction or survival of affected ringed seals as well as impacts on the stock are not anticipated.

Effects on individuals that are taken by Level B harassment by behavioral disturbance could include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight. More severe behavioral responses are not anticipated due to the localized, intermittent use of active acoustic sources and mitigation using PAM, which would limit exposure to active acoustic sources. Most likely, individuals would be temporarily displaced by moving away from the sound source. As described previously in the *Acoustic Impacts* section, seals exposed to non-impulsive sources with a received sound pressure level within the range of calculated exposures, (142–193 dB re 1 μ Pa), have been shown to change their behavior by modifying diving activity and avoidance of the sound source (Götz *et al.* 2010, Kvadsheim *et al.* 2010). Although a minor change to a behavior may occur as a result of exposure to the sound sources associated with the proposed specified activity, these changes would be within the normal range of behaviors for the animal (*e.g.*, the use of a breathing hole further from the source, rather than one closer to the source). Further, given the limited number of total instances of takes and the unlikelihood that any single individuals would be taken repeatedly, multiple times over sequential days, these takes are unlikely to impact the reproduction or survival of any individuals.

The Navy’s activities are localized and of relatively short duration. While the total ICEX24 Study Area is large, the Navy expects that most activities would occur within the Ice Camp Study Area in relatively close proximity to the ice camp. The larger Navy Activity Study Area depicts the range where submarines may maneuver during the exercise. The ice camp would be in existence for up to 6 weeks with acoustic transmission occurring intermittently over approximately 4 weeks.

The project is not expected to have significant adverse effects on marine mammal habitat. The project activities are limited in time and would not modify physical marine mammal habitat. While the activities may cause

some fish to leave a specific area ensonified by acoustic transmissions, temporarily impacting marine mammals’ foraging opportunities, these fish would likely return to the affected area. As such, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

For on-ice activity, Level A harassment, Level B harassment, serious injury, and mortality are not anticipated, given the nature of the activities, the lack of previous ringed seal observations, and the mitigation measures NMFS has required in the IHA. The ringed seal pupping season on the ice lasts for 5 to 9 weeks during late winter and spring. As stated in the Potential Effects of Specified Activities on Marine Mammals and Their Habitat section, March 1 is generally expected to be the onset of ice seal lairing season. The ice camp and runway would be established on first-year ice or multi-year ice without pressure ridges, as ringed seals tend to build their lairs near pressure ridges. Ice camp deployment will begin no later than mid-February, and be gradual, with activity increasing over the first 5 days. Ice camp deployment will be completed by March 15, before the pupping season. Displacement of seal lair construction or relocation to existing lairs outside of the ice camp area is unlikely, given the low average density of lairs (the average ringed seal lair density in the vicinity of Prudhoe Bay, Alaska is 1.58 lairs per km²), the relative footprint of the Navy’s planned ice camp (2 km²; 0.77 mi²), the lack of previous ringed seal observations on the ice during ICEX activities, and mitigation requirements that require the Navy to construct the ice camp and runway on first-year or multi-year ice without pressure ridges and require personnel to avoid areas of deep snow drift or pressure ridges.

Given that mitigation measures require that the ice camp and runway be established on first-year or multi-year ice without pressure ridges, where ringed seals tend to build their lairs, it is extremely unlikely that a ringed seal would build a lair in the vicinity of the ice camp. This measure, together with the other mitigation measures required for operation of the ice camp, are expected to avoid impacts to the construction and use of ringed seal subnivean lairs, particularly given the already low average density of lairs, as described above. Given that ringed seal lairs are not expected to occur in the ice camp study area, NMFS does not expect ringed seals to relocate pups due to human disturbance from ice camp activities.

Additional mitigation measures are also expected to prevent damage to and disturbance of ringed seals and their lairs that could otherwise result from on-ice activities. Personnel on on-ice vehicles are required to observe for marine mammals, and must follow established routes when available, to avoid potential damage to or disturbance of lairs. Further, personnel must maintain a 100 m (328 ft) distance from all observed marine mammals to avoid disturbing the animals due to the personnel's presence. Implementation of these measures will prevent ringed seal lairs from being crushed or damaged during ICEX24 activities.

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 Level A harassment (injury), serious injury, or mortality is anticipated or authorized;
- Impacts would be limited to Level B harassment, primarily in the form of behavioral disturbance that results in minor changes in behavior;
- TTS is expected to affect only a limited number of animals and is expected to be minor and short term;
- The number of takes authorized are low relative to the estimated abundances of the affected stock, even given the extent to which abundance is significantly underestimated;
- Submarine training and testing activities will occur over only 4 weeks of the total 6-week activity period;
- There will be no loss or modification of ringed seal habitat and minimal, temporary impacts on prey;
- Physical impacts to ringed seal subnivean lairs will be avoided; and
- Mitigation requirements for ice camp activities are expected to prevent impacts to ringed seals during the pupping season.

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 required monitoring and mitigation measures, NMFS finds that the total marine mammal take from the planned activity will have a negligible impact on all affected marine mammal 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.

Impacts to marine mammals from the specified activity would mostly include limited, temporary direct behavioral disturbances of ringed seals; however, some TTS is also anticipated. No Level A harassment (injury), serious injury, or mortality of marine mammals is expected or authorized, and the activities are not expected to have any impacts on reproductive or survival rates of any marine mammal species.

The specified activity and associated harassment of ringed seals would not be expected to impact marine mammals in numbers or locations sufficient to reduce their availability for subsistence harvest given the short-term, temporary nature of the activities, and the distance offshore from known subsistence hunting areas. The specified activity would occur for a brief period of time outside of the primary subsistence hunting season, and though seals are harvested for subsistence uses off the North Slope of Alaska, the ICEX24 Study Area is seaward of known subsistence hunting areas. (The Study Area boundary is approximately 50 km from shore at the closest point, though exercises will occur farther offshore.)

The Navy will provide advance public notice to local residents and other users of the Prudhoe Bay region of Navy activities and measures used to reduce impacts on resources. This includes notification to local Alaska Natives who hunt marine mammals for subsistence. If any Alaska Natives express concerns regarding project impacts to subsistence hunting of marine mammals, the Navy would further communicate with the concerned individuals or community. The Navy would provide project information and clarification of the

mitigation measures that will reduce impacts to marine mammals.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the required mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from the Navy's proposed 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 NMFS' Alaska Regional Office (AKRO).

The NMFS Office of Protected Resources is authorizing take of ringed seals, which are listed under the ESA. The NMFS AKRO Protected Resources Division issued a Biological Opinion on January 11, 2024, which concluded that the Navy's activities and NMFS' issuance of an IHA are not likely to jeopardize the continued existence of the Arctic stock of ringed seals, and is not likely to destroy or adversely modify their critical habitat.

National Environmental Policy Act

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as implemented by the regulations published by the Council on Environmental Quality (40 CFR parts 1500–1508), the Navy prepared a Supplemental Environmental Assessment/Overseas Environmental Assessment (SEA/OEA) to consider the direct, indirect and cumulative effects to the human environment resulting from ICEX24, focusing on changes between ICEX24, and ICEX22 (e.g., no torpedo training exercises in ICEX24 and new available science). This SEA/OEA supplements an EA/OEA published in 2022 for ICEX22 that was finalized in February 2022. NMFS adopted that EA/OEA and signed a Finding of No Significant Impact (FONSI) on February 4, 2022.

The Navy's SEA/OEA was made available for public comment at <https://www.nepa.navy.mil/icex/> from September 29, 2023 to October 13, 2023. In the notice of proposed IHA (88 FR

85244, December 7, 2023), NMFS described its plan to adopt the Navy's SEA/OEA, provided our independent evaluation of the document found that it includes adequate information analyzing the effects on the human environment of issuing the IHA. In compliance with NEPA and the CEQ regulations, as well as NOAA Administrative Order 216-6A, NMFS has reviewed the Navy's SEA/OEA, determined it to be sufficient, and adopted that SEA/OEA and signed a FONSI on January 31, 2024.

Authorization

NMFS has issued an IHA to the Navy for the potential harassment of ringed seals incidental to ICEX24 in the Arctic Ocean that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: February 1, 2024.

Catherine Marzin,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024-02383 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD700]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of two permits to enhance the propagation and survival of endangered and threatened species.

SUMMARY: Notice is hereby given that NMFS has issued two direct take permits pursuant to the Endangered Species Act (ESA) for research and enhancement purposes. Permit 18181-4R was issued to the California Department of Fish and Wildlife (CDFW) for ongoing research, monitoring, and rescue activities in the Sacramento River Basin, Central Valley, California. Permit 21477-2R was issued to FISHBIO, Inc. (FISHBIO) for activities associated with the Stanislaus Native Fish Plan.

DATES: Permit 18181-4R was issued on January 13, 2022, with an expiration date of December 31, 2026. Permit 21477-2R was issued on March 22, 2023, with an expiration date of December 31, 2027. The issued permits are subject to certain conditions set

forth therein. Subsequent to issuance, the necessary countersignatures by the applicants were received.

ADDRESSES: The permits and related documents are available for review upon written request via email to ccvo.consultationrequests@noaa.gov (please include the permit number in the subject line of the email).

FOR FURTHER INFORMATION CONTACT:

Amanda Cranford, Sacramento, California, (916) 930-3706, email: Amanda.Cranford@noaa.gov.

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

This notice is relevant to the following ESA-listed species: endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) evolutionarily significant unit (ESU), threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*) ESU, threatened California Central Valley steelhead (*O. mykiss*) Distinct Population Segment (DPS), and threatened southern DPS of North American green sturgeon (*Acipenser medirostris*).

Permit 18181-4R

Notice was published in the **Federal Register** (86 FR 44696) on August 13, 2021, that a permit application had been submitted by CDFW to enhance the propagation and survival of species listed under the ESA. Under Permit 18181-4R, CDFW proposes to carry out rescues, research, and monitoring activities in California's Central Valley. Monitoring will provide information on the timing, composition, and relative abundance of Central Valley Chinook salmon and steelhead populations. Data collected over several years is expected to improve the overall understanding of the status of the species and aid in the recovery and protection of the anadromous fish populations in the Sacramento River Basin.

Permit 21477-2R

Notice was published in the **Federal Register** (87 FR 52751) on August 29, 2022, that a permit application had been submitted by FISHBIO to enhance the propagation and survival of species listed under the ESA. Under Permit 21477-2R, FISHBIO will continue to implement a nonnative predator research and pilot fish removal program in the Stanislaus River. The program aims to investigate whether removal is an effective strategy to improve overall conditions for native fish, specifically the survival of juvenile salmonids.

In compliance with the National Environmental Policy Act of 1969 (42

U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222-226). NMFS issues permits based on finding that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Dated: January 31, 2024.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024-02253 Filed 2-5-24; 8:45 am]

BILLING CODE 3510-22-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Determination Under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR")

AGENCY: The Committee for the Implementation of Textile Agreements.

ACTION: Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA-DR.

SUMMARY: The Committee for the Implementation of Textile Agreements ("CITA") has determined that certain nylon dobby weave fabric, as specified below, is not available in commercial quantities in a timely manner in the CAFTA-DR countries. The product is added to the list in Annex 3.25 of the CAFTA-DR in unrestricted quantities.

DATES: *Applicable Date:* February 6, 2024.

FOR FURTHER INFORMATION CONTACT:

Kayla Johnson, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-2532 or Kayla.Johnson@trade.gov.

For Further Information Online:
<https://otexaprod.trade.gov/otexacpublicsite/requests/cafta> under

“Approved Requests,” File Number: CA2023002.

SUPPLEMENTARY INFORMATION:

Authority: The CAFTA–DR; Section 203(o)(4) of the Dominican Republic–Central America–United States Free Trade Agreement Implementation Act (“CAFTA–DR Implementation Act”), Public Law 109–53; the Statement of Administrative Action accompanying the CAFTA–DR Implementation Act; and Presidential Proclamation 7987 (February 28, 2006).

Background: The CAFTA–DR provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA–DR have determined are not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA–DR provides that this list may be modified pursuant to Article 3.25.4, when the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. *See* Annex 3.25 of the CAFTA–DR; *see also* section 203(o)(4)(C) of the CAFTA–DR Implementation Act.

The CAFTA–DR Implementation Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamation 7987, the President delegated to CITA the authority under section 203(o)(4) of CAFTA–DR Implementation Act for modifying the Annex 3.25 list. Pursuant to this authority, on September 15, 2008, CITA published modified procedures it would follow in considering requests to modify the Annex 3.25 list of products determined to be not commercially available in the territory of any Party to the CAFTA–DR (*Modifications to Procedures for Considering Requests Under the Commercial Availability Provision of the Dominican Republic–Central America–United States Free Trade Agreement*, 73 FR 53200) (“CITA’s Procedures”).

On December 27, 2023, CITA received a Commercial Availability Request (“Request”) from The Powers Manufacturing Company d/b/a Powers Athletic (“Powers Athletic”) for certain nylon dobby weave fabric, as specified below. On December 29, 2023, in accordance with CITA’s Procedures, CITA notified interested parties of the Request, which was posted on the dedicated website for CAFTA–DR Commercial Availability proceedings. In its notification, CITA advised that any

Response with an Offer to Supply (“Response”) must be submitted by January 11, 2024, and any Rebuttal to a Response (“Rebuttal”) must be submitted by January 18, 2024, in accordance with sections 6 and 7 of CITA’s Procedures. No interested entity submitted a Response to the Request advising CITA of its objection to the Request with an offer to supply the subject product.

In accordance with section 203(o)(4)(C) of the CAFTA–DR Implementation Act, and section 8(c)(2) of CITA’s Procedures, as no interested entity submitted a Response objecting to the Request and providing an offer to supply the subject product, CITA has determined to add the specified fabric to the list in Annex 3.25 of the CAFTA–DR.

The subject product has been added to the list in Annex 3.25 of the CAFTA–DR Agreement in unrestricted quantities. A revised list has been posted on the dedicated website for CAFTA–DR Commercial Availability proceedings, at <https://otexaprod.trade.gov/otexacapublicsite/shortsupply/cafta>.

Specifications: Certain Nylon Dobby Weave Fabric

HTS: 5407.43.2030 and .2060 (weight more than 170 g/m²)

Fabric Type: Dobby Weave on a Triple Beam Air Jet Loom.

Fiber Content: 100% Nylon

Yarn Size:

Warp Yarn 1: 160Denier/96Filament

Warp Yarn 2: 166D/68F Cordura (Nylon 6.6)

Warp Yarn 3: 30D monofilament

Filling Yarn 1: 70D/48F

Filling Yarn 2: 160D/96F

Filling Yarn 3: 30D monofilament + 166D/68F Cordura (Nylon 6.6)

Note: The yarn size designations describe a range of specifications for yarn in its greige condition. They are intended as specifications to be followed by the mill in sourcing yarn to produce the fabric. Weaving, dyeing, and finishing can alter the characteristic of the yarn as it appears in the finished fabric. This specification therefore includes yarns appearing in the finished fabric as finer or coarser than the designated yarn sizes, provided that the variation occurs after processing of the greige yarn and production of the fabric. Such processing may alter the measurements.

Thread Count:

Metric: Various

English: Various

Weight: 136.4–173.6 grams per sq. meter

Finished Density (ends/cm x picks/cm): 43–44 x 63–64

Face Side (Technical Face or Back): Technical Side

Width:

Metric: 134.6 to 149.9 cm, 142.2 cuttable

English: 53–59 inches, 56 cuttable

Dye Type: Yarn Dye of Various Color

Jennifer Knight,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2024–02399 Filed 2–5–24; 8:45 am]

BILLING CODE 3510–DR–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Evaluation of Public Health AmeriCorps

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Corporation for National and Community Service, operating as AmeriCorps, has submitted a public information collection request (ICR) entitled Evaluation of Public Health AmeriCorps for review and approval in accordance with the Paperwork Reduction Act.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by March 7, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling Nicole Jones, 202–569–3638, or by email at njones@americorps.gov.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- 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;

- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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

A 60-day Notice requesting public comment was published in the **Federal Register** on September 7, 2023 at 88 FR 61575. This comment period ended November 6, 2023. One public comment was received from this notice. The comment received inquired about (1) data collection and data ownership, (2) the purpose and need for the Public Health AmeriCorps Technical Assistance and Training Form, and (3) the length of the Public Health AmeriCorps Outcome Evaluation Draft survey. Responses are:

- All data collected will be managed and securely stored by the contractor and delivered to the AmeriCorps Office of Research and Evaluation (ORE) in aggregate form during the contract term, and after the contract ends, will be delivered to ORE as a de-identified public use data file and a restricted use data file. ORE will securely store the data and AmeriCorps programs will not have access to the data except in aggregate form, upon request.

- The Public Health AmeriCorps Technical Assistance and Training form was a requested instrument from the program team. This instrument will allow for the contractor to distill any information that wasn't already collected in the grantee survey or focus group guide. The instrument will be used as a supplemental tool to capture any additional information that wasn't collected in other activities.

- The evaluation team has been mindful of the length and burden of the member survey. The survey has gone through several iterations and has been shortened. The contractor piloted the instrument with up to nine members and conducted cognitive interviews after the members completed the survey. The version the contractor piloted took participants on average less than 30 minutes to complete and participants did not express dissatisfaction with the length of the survey. The reason for keeping questions that are also found in the Member Exit Survey (MES) is that participants in the Public Health AmeriCorps evaluation might not

complete the MES, and consequently it would not be possible to merge the two surveys. It is important for the Public Health AmeriCorps survey to include complete data to address the evaluation questions and to create more complete datasets across the agency. We want to ensure we close any gaps (intake information and member surveys) and confirm information already received. The purpose of reaching out to members who exited early is to better understand their experience and the challenges they encountered in completing their service. This data may inform programmatic changes with the aim of minimizing attrition among members. We will also benchmark the Public Health AmeriCorps survey to other similar public health programs to see how Public Health AmeriCorps is achieving the goal of creating a pathway to public health careers.

Title of Collection: Evaluation of Public Health AmeriCorps.

OMB Control Number: 3045–NEW.
Type of Review: New.

Respondents/Affected Public: Individuals and Households (AmeriCorps Members) and Businesses and Organizations (Grantees).

Total Estimated Number of Annual Responses: 2,198.

Total Estimated Number of Annual Burden Hours: 2,097.

Abstract: The evaluation will examine the extent to which Public Health AmeriCorps is progressing toward its goals to address public health needs and develop the next generation of public health leaders. The evaluation will answer questions about the challenges and successes with program implementation, recruitment and retention of members, partnership between grantees and other organizations such as state and local health departments, members' career intentions, and members' professional development. This information collection request includes several information collection instruments: a member alumni survey, an early exit survey, a grantee survey, a training and technical assistance form, grantee focus group questions, early exit interview questions, and partner interview questions. The burden hour per response for each of these instruments ranges from 15 minutes to an hour and a half. Throughout the evaluation design process, AmeriCorps received feedback and guidance from partners and advisory groups, including AmeriCorps staff, CDC staff, and public health and

public health workforce professionals. This is a new information collection.

Mary Hyde,

Director, Office of Research and Evaluation.

[FR Doc. 2024–02275 Filed 2–5–24; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA BoV)

AGENCY: Department of the Army, DoD.

ACTION: Notice of open Federal advisory committee meeting; in person.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, the Department of Defense announces that the following Federal advisory committee meeting will take place.

DATES: The meeting will be held on Thursday, March 7, 2024, 9 a.m.–12 p.m. Members of the public wishing to attend the meeting will be required to show a government photo ID upon entering in order to gain access to the meeting location. All members of the public are subject to security screening.

ADDRESSES: The meeting will be held in the Library of Congress Building, Members Room, 101 Independence Avenue SE, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mrs. Deadra Ghostlaw, the Designated Federal Officer for the Committee, in writing at: United States Military Academy—G–1, ATTN: Deadra Ghostlaw, 646 Swift Road, West Point, NY 10996; by email at: deadra.ghostlaw@westpoint.edu or BoV@westpoint.edu; or by telephone at (845) 938–6534.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The USMA BoV provides independent advice and recommendations to the President of the United States on matters related to morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

Purpose of the Meeting: This is the 2024 Organizational Meeting of the USMA BoV. Members of the Board will be provided updates on Academy

issues. Agenda: Introduction; Board Business: Election of Chair and Vice Chair for 2024, Swearing in of Presidential Appointees, Approval of the "2024 Rules of the US Military Academy Board of Visitors," Approval of the Minutes from the July 2023 Meeting, select Summer meeting date; Superintendent's Remarks; Open Discussion; Developing Leaders of Character; Promoting a Professional Climate; and Continuously Transforming Toward Preeminence.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mrs. Ghostlaw, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting, and members of the public attending the Committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration by the Committee. Because the Committee meeting will be held in a Federal Government facility security screening is required. A government photo ID is required to enter the building. The Library of Congress Building is fully handicapped accessible. Wheelchair access is available at 10 First Street SE, Washington, DC. Enter on First Street or Second Street side of building.

For additional information about public access procedures, contact Mrs. Ghostlaw, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mrs. Ghostlaw, the Committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or

affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the Committee. The Designated Federal Official will review all timely submitted written comments or statements with the Committee Chairperson and ensure the comments are provided to all members of the Committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. However, the Committee Designated Federal Official and Chairperson may choose to invite certain submitters to present their comments verbally during the open portion of this meeting or at a future meeting. The Designated Federal Officer, in consultation with the Committee Chairperson, may allot a specific amount of time for submitters to present their comments verbally.

James W. Satterwhite Jr.,
Army Federal Register Liaison Officer.

[FR Doc. 2024–02340 Filed 2–5–24; 8:45 am]

BILLING CODE 3711–02–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD24–2–000]

Commission Information Collection Activities (FERC–725E); Comment Request; Revision and Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice for revision and extension of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the revision and extension to the information collection, FERC–725E (Mandatory Reliability Standards for the Western Electric Coordinating Council).

DATES: Comments on the collection of information are due April 8, 2024.

ADDRESSES: You may submit your comments (identified by Docket No.

RD24–2–000) on FERC–725E by one of the following methods:

Electronic filing through <https://www.ferc.gov> is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- **Mail via U.S. Postal Service Only:**

Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- **Hand (including courier) Delivery:**

Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: <https://www.ferc.gov>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov>.

FOR FURTHER INFORMATION CONTACT: Jean Sonneman may be reached by email at DataClearance@FERC.gov, telephone at (202) 502–6362.

SUPPLEMENTARY INFORMATION:

Title: FERC–725E, Mandatory Reliability Standards for the Western Electric Coordinating Council (WECC).

OMB Control No.: 1902–0246.

Type of Request: Revision and extension to the FERC–725E information collection requirements.

Abstract: FERC–725E is the information collection that is required to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). Section 215 of the FPA buttresses the Commission's efforts to strengthen the reliability of the interstate grid through the grant of new authority by providing for a system of mandatory Reliability Standards developed by the Electric Reliability Organization (ERO). Reliability Standards that the ERO proposes to the Commission may include Reliability Standards that are proposed to the ERO by a Regional Entity.¹ A Regional Entity is an entity that has been approved by the Commission to enforce Reliability Standards under delegated authority from the ERO.² On June 8, 2008, the Commission approved eight regional

¹ 16 U.S.C. 824o(e)(4).

² 16 U.S.C. 824o(a)(7) and (e)(4).

Reliability Standards submitted by the ERO that were proposed by WECC.³

WECC promotes bulk electric system reliability in the Western Interconnection. WECC is the Regional Entity responsible for compliance monitoring and enforcement. In addition, WECC provides an environment for the development of Reliability Standards and the coordination of the operating and planning activities of its members as set forth in the WECC Bylaws.

There are several regional Reliability Standards in the WECC region. These regional Reliability Standards generally require entities to document compliance with substantive requirements, retain documentation, and submit reports to WECC.

In RD24–2–000, standard VAR–501–WECC–3.1 is being updated for syntax and the proposed changes have been deemed non-substantive. The currently approved VAR–501–WECC–3.1 is being replaced by VAR–501–WECC–4. The changes include updates to document numbering, the removal and replacement of obsolete language, and removal of redundant language.

For the purposes of the extension, the following standards will remain unchanged:

- BAL–002–WECC–3 (Contingency Reserve)⁴ requires balancing authorities and reserve sharing groups to document compliance with the contingency reserve requirements described in the standard.

- BAL–004–WECC–3 (Automatic Time Error Correction)⁵ requires balancing authorities to document that time error corrections and primary inadvertent interchange payback were conducted according to the requirements in the standard.

- FAC–501–WECC–2 (Transmission Maintenance)⁶ requires transmission owners with certain transmission paths to have a transmission maintenance and inspection plan and to document maintenance and inspection activities according to the plan.

- IRO–006–WECC–3 (Qualified Transfer Path Unscheduled Flow (USF) Relief)⁷ requires balancing authorities and reliability coordinators to document actions taken to mitigate unscheduled flow.

- VAR–501–WECC–4 (Power System Stabilizers (PSS)) requires the Western

Interconnection is operated in a coordinated manner under normal and abnormal conditions by establishing the performance criteria for WECC power system stabilizers.

Type of Respondents: Balancing authorities, reserve sharing groups, transmission owners, reliability coordinators, transmission operators, generator operators and generator owners.

*Estimate of Annual Burden:*⁸ We provide the tables below with burden estimates which show the current burden estimates which include the ongoing burden associated with reporting and recordkeeping requirements, which are not changing in RD24–2–000. Further, the change in RD24–2–000 is considered non-substantive, therefore, the Commission is estimating that there is no change in the burden estimates from the currently approved estimates.

In Table 1, the Commission highlights the burden estimates for the VAR–501–WECC–4 (updated in Docket no. RD24–2–000). In Table 2, the Commission estimates the total estimated burden for the entirety of the FERC 725E collection.

FERC–725E, MANDATORY RELIABILITY STANDARDS FOR THE WESTERN ELECTRIC COORDINATING COUNCIL, CHANGES IN DOCKET NO. RD24–2–000

Entity	Number of respondents ⁹	Annual number of responses per respondent	Annual number of responses	Average burden hrs. & cost ¹⁰ per response (\$)	Total annual burden hours & total annual cost (\$)	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
Standard VAR–501–WECC–4						
<i>Reporting Requirements</i>						
Generator Owners and/or Operators annual	311	2	622	1 hr.; \$91.81	622 hrs.; \$57,105.82	\$183.62
<i>Recordkeeping Requirements</i>						
Generator Owners and/or Operators annual	311	2	622	0.5 hrs.; 28.07	311 hrs.; \$17,459.54	56.14

³ N. Am. Electric Reliability Corp., 119 FERC ¶ 61,260 (2007).

⁴ BAL–002–WECC–2 is included in the OMB-approved inventory for FERC–725E. On November 9, 2016, NERC and WECC submitted a joint petition for approval of an interpretation of BAL–002–WECC–2, to be designated BAL–002–WECC–2a. BAL–002–WECC–2a was approved by order in Docket No. RD17–3–000 on January 24, 2017. The Order determined: “The proposed interpretation provides clarification regarding the types of resources that may be used to satisfy Contingency Reserve requirements in regional Reliability Standard BAL–002–WECC–2.” BAL–002–WECC–2a did not trigger the Paperwork Reduction Act and did not affect the burden estimate. BAL–002–WECC–2a is being included in this Notice and the Commission’s submittal to OMB as part of the FERC–725E. BAL–002–WECC–3 became effective June 28, 2021, under docket RM19–20–000 in Order No. 876, replacing BAL–002–WECC–2a.

⁵ BAL–004–WECC–3 was approved under docket RD18–2–000 on May 30, 2018.

⁶ FAC–501–WECC–2 was approved under docket RD18–5–000 on May 30, 2018.

⁷ On December 20, 2013, NERC and WECC submitted a joint petition for approval of IRO–006–WECC–2 and retirement of IRO–006–WECC–1. IRO–006–WECC–2 was approved by order in Docket No. RD14–9–000 on May 13, 2014. IRO–006–WECC–3 was approved by order in Docket No. RD19–4–000 on May 10, 2019. Because the reporting burden for IRO–006–WECC–3 did not increase for entities that operate within the Western Interconnection, FERC submitted the order to OMB for information only. The burden related to IRO–006–WECC–3 does not differ from the burden of IRO–006–WECC–2, which is included in the OMB-approved inventory. IRO–006–WECC–3 is being included in this Notice and the Commission’s submittal to OMB as part of FERC–725E.

⁸ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For further explanation of what is included in the information

collection burden, refer to 5 Code of Federal Regulations 1320.3.

⁹ The number of respondents is derived from the NERC Compliance Registry as of December 15, 2023.

¹⁰ For VAR–501–WECC–4, the 2023 hourly cost (for salary plus benefits) uses the figures from the Bureau of Labor Statistics for three positions involved in the reporting and recordkeeping requirements. These figures include salary (http://bls.gov/oes/current/naics2_22.htm) and benefits (<http://www.bls.gov/news.release/ecen.nr0.htm>) and are:

1. Manager: \$106.33/hour
2. Engineer: \$77.29/hour
3. Information and Record Clerk: \$56.14/hour

The hourly cost for the reporting requirements (\$91.81) is an average of the cost of a manager and engineer. The hourly cost for recordkeeping requirements uses the cost of an Information and Record Clerk (\$56.14/hour).

**FERC-725E, MANDATORY RELIABILITY STANDARDS FOR THE WESTERN ELECTRIC COORDINATING COUNCIL, CHANGES IN
DOCKET NO. RD24-2-000—Continued**

Entity	Number of respondents ⁹	Annual number of responses per respondent	Annual number of responses	Average burden hrs. & cost ¹⁰ per response (\$)	Total annual burden hours & total annual cost (\$)	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
Burden Annual for VAR-501-WECC- 4					933 hrs.; \$74,565.36	.....

Net Burden for FERC-725E, for Submittal to OMB. The table below describes the new and continuing information collection requirements and

the associated burden for FERC-725E. (The burden in Table 2 refers to burden associated with VAR-501-WECC-4, BAL-002-WECC-3, BAL-004-WECC-3,

FAC-501-WECC-2, and IRO-006-WECC-3).

FERC-725E, MANDATORY RELIABILITY STANDARDS FOR THE WESTERN ELECTRIC COORDINATING COUNCIL

[Continuing information collection requirements]

Entity	Number of respondents ¹¹	Annual number of responses per respondent	Annual number of responses	Average burden hrs. & cost per response (\$)	Total annual burden hours & total annual cost (\$)	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)

Reporting Requirements

Balancing Authorities	34	1	34	21 hrs., \$1,928.01	714 hrs., \$65,552.34	\$1,928.01
Transmission Owners that operate qualified transfer paths	5	3	15	40 hrs., 3,672.40	600 hrs., 55,086.00	11,017.20
Reliability Coordinators	2	1	2	1 hr., 91.81	2 hr., 183.62	91.81
Reserve Sharing Group	2	1	2	1 hr., 91.81	2 hrs., 183.62	91.81
Generator Owners and/or Operators annual for VAR-501-WECC-4	311	2	622	1 hr.; 91.81	622 hrs.; 57,105.82	183.62
Total Annual Reporting Requirements for FERC-725E					1,940 hrs.; \$178,111.40	.....

Recordkeeping Requirements

Balancing Authorities	34	1	34	2.1 hrs., 117.89	71.4 hrs., 4,008.40	117.89
Balancing Authorities (IRO-006)	34	1	34	1 hr., 56.14	34 hrs., 1,908.76	56.14
Reliability Coordinator	2	1	2	1 hr.; 56.14	2 hr.; 112.28	56.14
Generator Owners and/or Operators annual for VAR-501-WECC-4	311	2	622	0.5 hrs.; 28.07	311 hrs.; 17,459.54	56.14
Total Annual Recordkeeping for FERC-725E					418.4 hrs.; \$23,488.98	.....
Total Annual Burden for FERC-725E					2,358.4 hrs.; \$201,600.38	.....

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility;

(2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use

of automated collection techniques or other forms of information technology.

Dated: January 31, 2024.

Debbie-Anne Reese,

Acting Secretary.

[FR Doc. 2024-02377 Filed 2-5-24; 8:45 am]

BILLING CODE 6717-01-P

¹¹ The number of respondents is derived from the NERC Compliance Registry as of December 15, 2023, and represent unique US register entities in the WECC regional area.

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings #2**

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–1088–000.
Applicants: NorthWestern Energy Public Service Corporation.

Description: 205(d) Rate Filing: NWPS Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5159.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1089–000.

Applicants: NorthWestern Corporation.

Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5162.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1090–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 2236R17 Golden Spread Electric Cooperative, Inc. NITSA NOA to be effective 1/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5163.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1091–000.

Applicants: FirstEnergy Pennsylvania Electric Company, PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: FirstEnergy Pennsylvania Electric Company submits tariff filing per 35.13(a)(2)(iii): FE PA submits Amended IA, SA No. 4929 re: FirstEnergy Reorganization to be effective 1/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5171.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1092–000.

Applicants: Think Energy, LLC.

Description: Compliance filing: Notice of Change in Status and Revised MBR of Think Energy to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5176.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1093–000.

Applicants: FirstEnergy Pennsylvania Electric Company, PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: FirstEnergy Pennsylvania Electric Company submits tariff filing per 35.13(a)(2)(iii): FE PA submits Amended IA, SA No. 5110 re: FirstEnergy Reorganization to be effective 1/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5187.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1094–000.

Applicants: EcoGrove Wind LLC.

Description: Compliance filing: EcoGrove Wind LLC, Change in Status to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5215.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1095–000.

Applicants: High Point Solar LLC.

Description: Compliance filing: High Point Solar Change in Status to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5216.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1096–000.

Applicants: California Ridge Wind Energy LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5232.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1097–000.

Applicants: Catalyst Old River Hydroelectric Limited Partnership.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5236.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1098–000.

Applicants: Evolugen Trading and Marketing LP.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5240.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1099–000.

Applicants: Prairie Breeze Wind Energy LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5241.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1100–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): City of Evergreen NITSA Amendment Filing to be effective 1/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5242.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1101–000.

Applicants: TerraForm IWG

Acquisition Holdings II, LLC.

Description: Compliance filing:

Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5245.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1102–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to SA Nos. 2038 and 1613 re: FE Reorg to be effective 1/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5247.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1103–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: SWE (Black Warrior) NITSA Termination Filing to be effective 12/31/2023.

Filed Date: 1/31/24.

Accession Number: 20240131–5248.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1104–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): SWE-Black Warrior NITSA Filing to be effective 1/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5252.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1105–000.

Applicants: Palmer Solar, LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5254.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1106–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: SWE (Tombigbee) NITSA Termination Filing to be effective 12/31/2023.

Filed Date: 1/31/24.

Accession Number: 20240131–5255.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1107–000.

Applicants: Pike Solar LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.
Accession Number: 20240131-5257.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1108-000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): SWE-Tombigbee NITSA Filing to be effective 1/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5259.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1109-000.
Applicants: Pumpjack Solar I, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5260.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1110-000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): SCPSA Conditional Long-Term Firm PTP Service Agreement Filing to be effective 1/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5264.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1111-000.
Applicants: Rio Bravo Solar I, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5266.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1112-000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): City of Hartford NITSA Amendment Filing to be effective 1/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5268.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1113-000.
Applicants: Rio Bravo Solar II, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5269.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1114-000.
Applicants: Seville Solar One LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.
Accession Number: 20240131-5274.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1115-000.
Applicants: Seville Solar Two, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5275.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1116-000.
Applicants: Shoreham Solar Commons LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5279.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1117-000.
Applicants: Silver Sage Windpower, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5282.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1118-000.
Applicants: Tallbear Seville LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5287.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1119-000.
Applicants: Vineyard Wind 1 LLC.
Description: 205(d) Rate Filing: Normal filing 2024 revised to be effective 4/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5290.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1120-000.
Applicants: Three Buttes Windpower, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5293.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1121-000.
Applicants: Top of the World Wind Energy, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5295.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1125-000.
Applicants: Wildflower Solar, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.
Accession Number: 20240131-5303.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1126-000.
Applicants: Wildwood Solar I, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5306.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1127-000.
Applicants: Black Mesa Energy, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5308.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1128-000.
Applicants: Caprock Solar 1 LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5314.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1129-000.
Applicants: Wildwood Solar II, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5320.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1130-000.
Applicants: Cimarron Windpower II, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5324.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1131-000.
Applicants: Colonial Eagle Solar, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5327.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1132-000.
Applicants: Conetoe II Solar, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131-5330.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24-1133-000.
Applicants: Frontier Windpower II, LLC.
Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.

Accession Number: 20240131–5334.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1134–000.
Applicants: Frontier Windpower, LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5341.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1135–000.

Applicants: HXOap Solar One, LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5347.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1136–000.

Applicants: Ironwood Windpower, LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5349.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1137–000.

Applicants: Pacific Gas and Electric Company.

Description: 205(d) Rate Filing: Modesto Irrigation District IA (SA 479) to be effective 4/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5350.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1138–000.

Applicants: Jackpot Holdings, LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5355.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1139–000.

Applicants: Kit Carson Windpower, LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5361.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1140–000.

Applicants: Laurel Hill Wind Energy, LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5365.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1141–000.

Applicants: Ledyard Windpower, LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5377.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1142–000.

Applicants: North Allegheny Wind, LLC.

Description: Compliance filing: Revised Market-Based Rate Tariff to be effective 2/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5382.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1144–000.

Applicants: Pacific Gas and Electric Company.

Description: 205(d) Rate Filing: Q4 2023 Quarterly Filing of City and County of San Francisco's WDT SA (SA 275) to be effective 12/31/2023.

Filed Date: 1/31/24.

Accession Number: 20240131–5388.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1145–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: 205(d) Rate Filing: United Power, Inc. Withdrawal Agreement to be effective 4/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5401.

Comment Date: 5 p.m. ET 2/21/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to

contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: January 31, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–02380 Filed 2–5–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR24–46–000.

Applicants: Public Service Company of Colorado.

Description: 284.123(g) Rate Filing: Statement of Rates_1.1.24 to be effective 1/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5123.

Comment Date: 5 p.m. ET 2/21/24.

284.123(g) Protest: 5 p.m. ET 4/1/24.

Docket Numbers: PR24–47–000.

Applicants: NorthWestern Corporation.

Description: 284.123 Rate Filing: Revised Transportation and Storage Rates(Annual Tax Tracker) to be effective 1/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5174.

Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: RP24–361–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Negotiated Rate Agreement Update (TMV Feb 2024) to be effective 2/1/2024.

Filed Date: 1/30/24.

Accession Number: 20240130–5138.

Comment Date: 5 p.m. ET 2/12/24.

Docket Numbers: RP24–362–000.

Applicants: Transwestern Pipeline Company, LLC.

Description: Compliance filing: Alert Day Penalty Report on 1–31–2024 to be effective N/A.

Filed Date: 1/31/24.

Accession Number: 20240131–5045.

Comment Date: 5 p.m. ET 2/12/24.

Docket Numbers: RP24–363–000.

Applicants: Equitrans, L.P.

Description: 4(d) Rate Filing: Crediting of Penalty Revenue Threshold to be effective 3/1/2024.

Filed Date: 1/31/24.

Accession Number: 20240131–5096.

Comment Date: 5 p.m. ET 2/12/24.

Docket Numbers: RP24–364–000.
Applicants: Kern River Gas Transmission Company.
Description: 4(d) Rate Filing: 2024 Special Pool Filing to be effective 3/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5099.
Comment Date: 5 p.m. ET 2/12/24.
Docket Numbers: RP24–365–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco Feb 2024) to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5152.
Comment Date: 5 p.m. ET 2/12/24.
Docket Numbers: RP24–366–000.
Applicants: Northern Natural Gas Company.
Description: 4(d) Rate Filing: 20240131 Negotiated Rate to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5194.
Comment Date: 5 p.m. ET 2/12/24.
Docket Numbers: RP24–367–000.
Applicants: Equitrans, L.P.
Description: 4(d) Rate Filing: Negotiated Rate Agreement—2/1/2024 to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5258.
Comment Date: 5 p.m. ET 2/12/24.
Docket Numbers: RP24–368–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: 4(d) Rate Filing: Annual Modernization Capital Cost Recovery Mechanism—Eff. March 1, 2024 to be effective 3/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5271.
Comment Date: 5 p.m. ET 2/12/24.
Docket Numbers: RP24–369–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: 4(d) Rate Filing: Amended Nonconforming Negotiated Rate Service Agreement to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5284.
Comment Date: 5 p.m. ET 2/12/24.
 Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP23–887–002.

Applicants: Columbia Gulf Transmission, LLC.
Description: Compliance filing: Stipulation and Settlement Agreement Compliance—Rate Implementation to be effective 3/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5185.
Comment Date: 5 p.m. ET 2/12/24.
Docket Numbers: RP23–929–002.
Applicants: National Fuel Gas Supply Corporation.
Description: Compliance filing: RP23–929 Suspension CF with Motion to be effective 2/1/2024.
Filed Date: 1/30/24.
Accession Number: 20240130–5175.
Comment Date: 5 p.m. ET 2/12/24.
Docket Numbers: RP23–930–002.
Applicants: Saltville Gas Storage Company L.L.C.
Description: Compliance filing: SGSC Compliance Filing (Motion Rates)—Docket No. RP23–930 to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5234.
Comment Date: 5 p.m. ET 2/12/24.
 Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.
 The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.
 eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <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: January 31, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024–02379 Filed 2–5–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD22–11–000; AD21–9–000]

Office of Public Participation Fundamentals for Participating in FERC Matters; Notice of OPP Community Connection Event— Southwest Louisiana

The Federal Energy Regulatory Commission's (FERC or Commission) Office of Public Participation (OPP) will host an in-person only "Community Connection Event" in Southwest Louisiana on March 6, 2024. As described below, this event includes educational programming at two different times and locations: in the morning in Sulphur, Louisiana and in the evening in Lake Charles, Louisiana. The public is welcome to attend the event at one or both locations, but please note that the content and format will be the same at each. This event is free and open to the public.

Consistent with OPP's mission to empower, promote, and support public voices at the Commission, the purpose of this event is to provide educational presentations on topics related to FERC staff's environmental review of natural gas pipelines and liquefied natural gas (LNG) facilities, as well as public participation opportunities in the siting, construction, and restoration of such FERC-regulated facilities. Additionally, FERC staff will be available for informal discussions and questions. This event is not a public comment session and FERC staff will not receive or record comments for specific proceedings.

Event details, including registration information, can be found on the event-specific website <https://www.ferc.gov/OPP/community-connection>. This site will be updated frequently and will include all updates, developments, and the final schedule of presentations. Information on this event will also be posted on the FERC Calendar of Events. Lastly, OPP's social media accounts Twitter/X, Instagram, and Facebook will also provide updates.

For accessibility accommodations, please send an email to accessibility@ferc.gov or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY) or send a FAX to (202) 208–2106 with the required accommodations.

Morning program, Sulphur	Evening program, Lake Charles
Wednesday, March 6, 2024 9:00 a.m.–12:00 p.m. (CST) Calcasieu Parish Public Library, Sulphur Regional Branch, 1160 Cypress Street, Sulphur, LA 70663.	Wednesday, March 6, 2024. 4:00 p.m.–7:00 p.m. (CST). Allen P. August Multipurpose Center, 2001 Moeling Street, Lake Charles, LA 70601.

For any questions or requests about this event, please contact the Office of Public Participation at (202) 502–6595 or send an email to OPP@ferc.gov.

Dated: January 31, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024–02382 Filed 2–5–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24–98–000.

Applicants: Three Rivers District Energy, LLC.

Description: Three Rivers District Energy, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 1/30/24.

Accession Number: 20240130–5266.

Comment Date: 5 p.m. ET 2/20/24.

Docket Numbers: EG24–99–000.

Applicants: Great Kiskadee Storage, LLC.

Description: Great Kiskadee Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 1/31/24.

Accession Number: 20240131–5322.

Comment Date: 5 p.m. ET 2/21/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1437–015.

Applicants: Tampa Electric Company.

Description: Notice of Change in Status of Tampa Electric Company.

Filed Date: 1/30/24.

Accession Number: 20240130–5270.

Comment Date: 5 p.m. ET 2/20/24.

Docket Numbers: ER10–2042–051; ER10–1862–044; ER10–1863–013; ER10–1893–044; ER10–1934–044; ER10–1938–045; ER10–1942–042; ER10–2985–048; ER10–3049–049; ER10–3051–049; ER11–4369–029; ER16–2218–030; ER17–696–030; ER23–944–007.

Applicants: Calpine Community Energy, LLC, Calpine Energy Solutions,

LLC, North American Power Business, LLC, North American Power and Gas, LLC, Champion Energy, LLC, Champion Energy Services, LLC, Champion Energy Marketing LLC, Calpine Construction Finance Co., L.P., Calpine Power America—CA, LLC, CES Marketing IX, LLC, CES Marketing X, LLC, Pine Bluff Energy, LLC, Power Contract Financing, L.L.C., Calpine Energy Services, L.P.

Description: Notice of Change in Status of Calpine Energy Services, L.P., et al.

Filed Date: 1/30/24.

Accession Number: 20240130–5268.

Comment Date: 5 p.m. ET 2/20/24.

Docket Numbers: ER13–2386–009; ER10–2847–008; ER14–963–008; ER23–1015–001; ER23–1016–001; ER23–1017–001; ER23–1018–001; ER23–2750–001; ER23–2751–001; ER23–2752–001.

Applicants: White Rock Wind West, LLC, White Rock Wind East, LLC, Horizon Hill Wind, LLC, TransAlta Energy Marketing (U.S.) Inc., TransAlta Energy Marketing Corp., Big Level Wind LLC, Antrim Wind Energy LLC, TransAlta Wyoming Wind LLC, TransAlta Centralia Generation LLC, Lakeswind Power Partners, LLC.

Description: Notice of Non-Material Change in Status of Lakeswind Power Partners, LLC, et al.

Filed Date: 1/30/24.

Accession Number: 20240130–5269.

Comment Date: 5 p.m. ET 2/20/24.

Docket Numbers: ER15–762–021; ER10–3120–015; ER10–3128–015; ER10–3136–015; ER10–3145–016; ER11–2701–017; ER15–1579–019; ER15–1582–020; ER15–1914–021; ER15–2680–017; ER16–468–015; ER16–474–016; ER16–890–016; ER16–1255–018; ER16–1738–015; ER16–1901–015; ER16–1955–015; ER16–1956–015; ER16–1973–015; ER16–2201–014; ER16–2224–014; ER16–2578–015; ER17–306–014; ER17–544–014; ER17–1864–013; ER17–1871–013; ER17–1909–013; ER18–1667–010; ER18–2492–009; ER19–846–010; ER19–847–010; ER19–1179–006; ER19–1473–005; ER20–1629–005; ER20–2065–005; ER20–2066–005; ER20–2519–004; ER21–1488–004; ER21–2156–005; ER21–2766–004; ER22–799–005; ER23–48–003; ER23–937–002; ER23–1165–001; ER23–1319–002; ER23–1589–002; ER23–1668–003; ER23–1669–003; ER23–2440–001; ER23–2441–002; ER24–55–001.

Applicants: Silver Peak Energy, LLC, Chevelon Butte RE II LLC, McFarland Solar B, LLC, Raceway Solar 1, LLC, Estrella Solar, LLC, AES ES Westwing, LLC, Baldy Mesa Solar, LLC, McFarland Solar A, LLC, Chevelon Butte RE LLC, West Line Solar, LLC, Lancaster Area Battery Storage, LLC, Central Line Solar, LLC, Antelope Expansion 1B, LLC, Luna Storage, LLC, East Line Solar, LLC, Antelope Expansion 3B, LLC, Antelope Expansion 3A, LLC, AES ES Alamitos, LLC, AES Alamitos Energy, LLC, AES ES Gilbert, LLC, San Pablo Raceway, LLC, Antelope DSR 3, LLC, FTS Master Tenant 2, LLC, Antelope Expansion 2, LLC, Bayshore Solar C, LLC, Bayshore Solar B, LLC, Bayshore Solar A, LLC, Beacon Solar 1, LLC, Beacon Solar 3, LLC, North Lancaster Ranch LLC, Solverde 1, LLC, Antelope DSR 1, LLC, Western Antelope Blue Sky Ranch B LLC, Western Antelope Dry Ranch LLC, Antelope DSR 2, LLC, Elevation Solar C LLC, Beacon Solar 4, LLC, Antelope Big Sky Ranch LLC, Summer Solar LLC, Central Antelope Dry Ranch C LLC, FTS Master Tenant 1, LLC, Sandstone Solar LLC, 87RL 8me LLC, 65HK 8me LLC, 67RK 8me LLC, Mountain View Power Partners IV, LLC, AES Alamitos, LLC, Mountain View Power Partners, LLC, AES Redondo Beach, L.L.C., AES Huntington Beach, L.L.C., Sierra Solar Greenworks LLC.

Description: Notice of Change in Status of Sierra Solar Greenworks LLC, et al.

Filed Date: 1/30/24.

Accession Number: 20240130–5229.

Comment Date: 5 p.m. ET 2/20/24.

Docket Numbers: ER18–315–002; ER18–2178–002.

Applicants: Holloman Lessee, LLC, Wildwood Lessee, LLC.

Description: Notice of Non-Material Change in Status of Wildwood Lessee, LLC, et al.

Filed Date: 1/30/24.

Accession Number: 20240130–5238.

Comment Date: 5 p.m. ET 2/20/24.

Docket Numbers: ER19–2399–003.
Applicants: Caden Energix Hickory LLC.

Description: Notice of Non-Material Change in Status of Caden Energix Hickory LLC.

Filed Date: 1/31/24.

Accession Number: 20240131–5095.

Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER22–15–001; ER23–31–001.
Applicants: Pattersonville Solar Facility LLC, ELP Stillwater Solar, LLC.
Description: Notice of Non-Material Change in Status of ELP Stillwater Solar, LLC, et al.
Filed Date: 1/30/24.
Accession Number: 20240130–5236.
Comment Date: 5 p.m. ET 2/20/24.
Docket Numbers: ER22–983–007.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: Compliance filing: ISO New England Inc. submits tariff filing per 35: ISO–NE Further Filing Re Order No. 2222 Compliance to be effective 11/1/2026.
Filed Date: 1/31/24.
Accession Number: 20240131–5191.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER22–1439–007; ER22–1440–007; ER22–1441–007; ER22–1442–005.
Applicants: EdSan 1B Group 3, LLC, EdSan 1B Group 2, LLC, EdSan 1B Group 1 Sanborn, LLC, EdSan 1B Group 1 Edwards, LLC.
Description: Notice of Non-Material Change in Status of EdSan 1B Group 1 Edwards, LLC, et al.
Filed Date: 1/30/24.
Accession Number: 20240130–5233.
Comment Date: 5 p.m. ET 2/20/24.
Docket Numbers: ER23–2407–001.
Applicants: Strauss Wind, LLC.
Description: Tariff Amendment: Amendment to 1 to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5155.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1055–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2024–01–30_Att X, Generator Replacement Process Improvement to be effective 3/31/2024.
Filed Date: 1/30/24.
Accession Number: 20240130–5216.
Comment Date: 5 p.m. ET 2/20/24.
Docket Numbers: ER24–1056–000.
Applicants: NorthWestern Corporation.
Description: Tariff Amendment: Cancellation of South Dakota Rate Schedules Tariff ID42 to be effective 1/31/2024.
Filed Date: 1/30/24.
Accession Number: 20240130–5237.
Comment Date: 5 p.m. ET 2/20/24.
Docket Numbers: ER24–1057–000.
Applicants: FirstEnergy Pennsylvania Electric Company, PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: FirstEnergy Pennsylvania Electric Company submits tariff filing per 35.13(a)(2)(iii): FE PA submits Amended IA, SA No. 4578 re: FirstEnergy Reorganization to be effective 1/1/2024.
Filed Date: 1/30/24.
Accession Number: 20240130–5246.
Comment Date: 5 p.m. ET 2/20/24.
Docket Numbers: ER24–1058–000.
Applicants: FirstEnergy Pennsylvania Electric Company.
Description: 205(d) Rate Filing: 2024–01–31—Revisions to former West Penn Power Borderline Agreements to be effective 1/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5000.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1059–000.
Applicants: FirstEnergy Pennsylvania Electric Company.
Description: 205(d) Rate Filing: 2024–01–31—Interconnection Agreement between Ohio Edison and former Penn Power to be effective 1/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5001.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1060–000.
Applicants: FirstEnergy Pennsylvania Electric Company.
Description: 205(d) Rate Filing: 2024–01–31—Filing of Borderline Agreement between Potomac Edison and FE PA to be effective 1/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5002.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1062–000.
Applicants: New England Power Pool Participants Committee.
Description: 205(d) Rate Filing: Feb 2024 Membership Filing to be effective 1/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5009.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1063–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2024–01–31_SA 3497 Duke Energy-Fairbanks Solar Energy 2nd Rev GIA (J829) to be effective 1/24/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5053.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1064–000.
Applicants: Branscomb Solar, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5063.
Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1065–000.
Applicants: Darby Solar, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5066.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1066–000.
Applicants: Dry Bridge Solar 1, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5067.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1067–000.
Applicants: Dry Bridge Solar 2, LLC.
Description: Compliance filing: Dry Bridge Solar 2, LLC submits tariff filing per 35: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5068.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1068–000.
Applicants: Dry Bridge Solar 3, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5069.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1069–000.
Applicants: Dry Bridge Solar 4, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5071.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1070–000.
Applicants: ELP Stillwater Solar, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5072.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1071–000.
Applicants: Consumers Energy Company.
Description: 205(d) Rate Filing: Consumers Energy Company submits tariff filing per 35.13(a)(2)(iii): Amendment No. 4 to Contract & RS with Alpena Power Company to be effective 4/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5074.
Comment Date: 5 p.m. ET 2/21/24.

Docket Numbers: ER24–1072–000.
Applicants: Grissom Solar, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5076.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1073–000.
Applicants: Janis Solar, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5078.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1074–000.
Applicants: MN8 Energy Marketing LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5080.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1075–000.
Applicants: Pattersonville Solar Facility LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5082.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1076–000.
Applicants: Puckett Solar, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5084.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1077–000.
Applicants: Regan Solar, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5085.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1078–000.
Applicants: Toms River Merchant Solar, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5088.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1079–000.

Applicants: Toms River Net Meter Solar, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5092.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1080–000.
Applicants: Richfield Solar Energy LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff Filing to be effective 4/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5094.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1081–000.
Applicants: Solar Star California XLI, LLC.
Description: Compliance filing: Notice of Change in Category Seller Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5098.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1082–000.
Applicants: Imperial Valley Solar 2, LLC.
Description: Compliance filing: Notice of Change in Category Seller Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5102.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1083–000.
Applicants: Golden Fields Solar I, LLC.
Description: Compliance filing: Notice of Change in Category Seller Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5104.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1084–000.
Applicants: Evergy Metro, Inc.
Description: 205(d) Rate Filing: EMe Supplemental Rate Schedule 140 Filing to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5121.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1085–000.
Applicants: PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: PPL Electric Utilities Corporation submits tariff filing per 35.13(a)(2)(iii): PPL Electric submits Amended Coordination Agreement No. 1022 to be effective 1/3/2024.
Filed Date: 1/31/24.

Accession Number: 20240131–5130.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1086–000.
Applicants: FirstEnergy Pennsylvania Electric Company, PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: FirstEnergy Pennsylvania Electric Company submits tariff filing per 35.13(a)(2)(iii): FE PA submits Amended IA, SA No. 4119 re: FirstEnergy Reorganization to be effective 1/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5140.
Comment Date: 5 p.m. ET 2/21/24.
Docket Numbers: ER24–1087–000.
Applicants: 2018 ESA Project Company, LLC.
Description: Compliance filing: Notice of Change in Status and Revised Market-Based Rate Tariff to be effective 2/1/2024.
Filed Date: 1/31/24.
Accession Number: 20240131–5158.
Comment Date: 5 p.m. ET 2/21/24.
 The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.
 Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.
 eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.
 The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: January 31, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–02381 Filed 2–5–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP20–50–000; CP20–51–000]

Tennessee Gas Pipeline Company, L.L.C.; Southern Natural Gas Company, L.L.C.; Notice of Requests for Extension of Time

Take notice that on January 26, 2024, Tennessee Gas Pipeline Company, L.L.C. (Tennessee) and Southern Natural Gas Company, L.L.C. (Southern) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until September 30, 2025, to construct and place into service its Evangeline Pass Project (Project) located in Louisiana as authorized in the Order Issuing Certificates and Approving Abandonments (Order).¹ The Order required Tennessee and Southern to complete construction of the Project and make it available for service within two years of the date of the Order, or by March 25, 2024.

Tennessee and Southern assert that they faced permitting delays after the Order Addressing Arguments Raised on Rehearing was issued on September 29, 2022.² They submitted an implementation plan and secured approval from the Commission on September 8, 2023, to begin construction. However, they have faced delays in securing construction contractors, finalizing land acquisition, and obtaining state and local permits. As a result, they anticipate beginning construction activities during the first quarter of 2024. Tennessee and Southern have requested an extension of the in-service date to September 30, 2025, to ensure that all necessary restoration activities are underway, and the Project facilities are fully constructed.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Tennessee and Southern's request for an extension of time may do so. No reply comments or answers will

be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,³ the Commission will aim to issue an order acting on the request within 45 days.⁴ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁵ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).⁶ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.⁷ The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. Public access to records formerly available in the Commission's physical Public Reference Room, which was located at the Commission's headquarters, 888

³ Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

⁴ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁵ *Id.* at P 40.

⁶ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

⁷ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

First Street NE, Washington, DC 20426, are now available via the Commission's website. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll free, (866) 208–3676 or TTY (202) 502–8659.

The Commission strongly encourages electronic filings of comments in lieu of paper using the "eFile" link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on February 15, 2024.

Dated: January 31, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–02378 Filed 2–5–24; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2022–0773; FRL–11730–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Pollution Prevention (P2) Grantee Data Collection in Standard Electronic Format (New)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR), Pollution Prevention (P2) Grantee Data Collection in Standard, (EPA ICR

¹ *Tennessee Gas Pipeline Company, L.L.C. and Southern Natural Gas Company, L.L.C.*, 178 FERC ¶ 61,199 (2022).

² *Tennessee Gas Pipeline Company, L.L.C. and Southern Natural Gas Company, L.L.C.*, 180 FERC ¶ 61,205 (2022).

Number 2728.01 and OMB Control Number 2070–NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a request for approval of a new collection. Public comments were previously requested via the **Federal Register** on February 15, 2023, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments must be received on or before March 7, 2024.

ADDRESSES: Submit your comments, referencing Docket ID Number: EPA–HQ–OPPT–2022–0773 to EPA online using www.regulations.gov (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Katherine Sleasman, Office of Program Support (7602M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1204; email address: sleasman.katherine@epa.gov.

SUPPLEMENTARY INFORMATION: This is a request for approval of a new collection. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on February 15, 2023, during a 60-day comment period (88 FR 9879). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be

viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: This ICR presents EPA's estimates for the burden and costs associated with the information collection activities related to pollution prevention grant programs and the collection of activity and results data from the grantees via a standard electronic format. P2 means reducing or eliminating pollutants from entering any waste stream or otherwise being released into the environment prior to recycling, treatment, or disposal. EPA's P2 program operates three grant programs and is developing two new grant programs. The three existing programs are: The Pollution Prevention State Tribal Assistance Grants (P2 STAG); the Bipartisan Infrastructure Law Pollution Prevention Grants (P2 BIL); and the Source Reduction Assistance (SRA) Grants. The P2 STAG and SRA grants are funded through recurring appropriations and require grantees to provide matching funds. The P2 BIL grants, which are funded through the 2021 Infrastructure Investment and Jobs Act (IIJA), also referred to as the Bipartisan Infrastructure Law (BIL), are also STAG but do not require grantees to provide matching funds. The two new grant programs under development are: The Pollution Prevention Grant: Environmental Justice Through Safer/Sustainable Products (P2 EJ Products); and the Pollution Prevention Grant: Environmental Justice in Communities (P2 EJ Facilities). The P2 EJ Products and P2 EJ Facilities grants will also be supported by BIL funding and, as such, do not require grantee matching funds.

Form Numbers: 9600–047 and 9600–048.

Respondents/affected entities: Entities potentially affected by this ICR may include entities identified by the North American Industrial Classification System (NAICS) code 99200, *i.e.*, State Governmental entities.

Respondent's obligation to respond: Required to obtain or retain a benefit.

Total estimated number of potential respondents: 275 (total).

Frequency of response: On occasion.

Total estimated burden: 5,123 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated annual costs: \$431,778 (per year), includes no

annualized capital investment or maintenance and operational costs.

Courtney Kerwin,
Director, Regulatory Support Division.
[FR Doc. 2024–02398 Filed 2–5–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2023–0492; FRL–11731–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Transportation and Climate Division (TCD) Grant Program Reporting Templates: Supplemental Project Application Template and Project Reporting Templates for Diesel Emission Reduction Act (DERA), Clean School Bus (CSB), Clean Heavy Duty (CHD), and Clean Ports Grant Programs (New)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), Transportation and Climate Division (TCD) Grant Program Reporting Templates: Supplemental Project Application Template and Project Reporting Templates for Diesel Emission Reduction Act (DERA), Clean School Bus (CSB), Clean Heavy Duty (CHD), and Clean Ports Grant Programs (EPA ICR Number 2793.01, OMB Control Number 2060–NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a new ICR. Public comments were previously requested via the **Federal Register** on October 27, 2023 with a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before March 7, 2024.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2023–0492, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information

provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Timothy Thomas, Office of Transportation and Air Quality, (6406A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 734-214-4465; fax number: 202-343-2803; email address: thomas.tim.l@epa.gov.

SUPPLEMENTARY INFORMATION: This is a request for approval of a new collection. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on October 27, 2023 (88 FR 73839). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA’s public docket, visit <http://www.epa.gov/dockets>.

Abstract: This ICR is associated with four mobile source-related grant programs administered by the Transportation and Climate Division (TCD), within EPA’s Office of Transportation and Air Quality (OTAQ). Those are the Diesel Emission Reduction Act (DERA), Clean School Bus (CSB), Clean Heavy-Duty (CHDV), and Clean Ports Grants Programs.

The DERA Grants Program and the CSB Grant Program currently collect information under an existing ICR, the General Administrative Requirements for Assistance Programs (OMB Control Number 2030-0020), for most major elements of grants administration. But to ease the burden for applicants, awardees, and Agency staff, as well as enrich data quality across programs, the

Agency needs to be able to collect information via new reporting instruments, specifically program-specific, fillable data templates. This ICR is requesting clearance to cover fillable data templates for three phases of the grant lifecycle: initial application, quarterly reporting, and final reporting. Notably, for successful grant applicants, the information in data templates collected during the application phase of the grant lifecycle will flow into the data templates for the quarterly and final reporting periods, enabling these templates to capture data efficiently throughout the life of the entire award.

TCD uses approved procedures and forms to collect necessary information to operate its grant programs and has been providing grants under DERA since 2008. EPA is preparing to launch the 2024 Clean Port Program in late winter 2024, the 2024 CHDV Program in early spring 2024, as well as the 2024 DERA grant program in summer 2024, and overseeing the 2023 CSB Grantees, who are expected to begin reporting in mid-2024.

Form numbers: EPA Form Numbers in this IC: 5900-679, 5900-680, 5900-681, 5900-682, 5900-683, 5900-684, 5900-685, 5900-686, 5900-687, 5900-688, 5900-689, 5900-690, 5900-691, 5900-692, and 5900-693 (15 total).

Respondents/affected entities: Entities potentially affected by this action are those interested in applying for grants under EPA’s CSB, DERA, CHDV, and Clean Ports programs.

Respondent’s obligation to respond: Required to obtain or retain a benefit (Energy Policy Act, Inflation Reduction Act, Bipartisan Infrastructure Law).

Estimated number of respondents: 312.

Frequency of response: One initial report, 4 reports annually, and one final report.

Total estimated burden: 14,589 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$822,508 (per year), which includes \$0 annualized capital or operation & maintenance costs.

Changes in the estimates: This is a new collection.

Courtney Kerwin,

Director, Information Engagement Division.
[FR Doc. 2024-02396 Filed 2-5-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OA-2023-0393; FRL-11236-02-OA]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Greenhouse Gas Reduction Fund Accomplishment Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Greenhouse Gas Reduction Fund (GGRF) Accomplishment Reporting (EPA ICR Number 2783.01, OMB Control Number 2090-NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a request for approval of a new collection. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before April 8, 2024.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OA-2023-0393, to EPA online using www.regulations.gov (our preferred method), by email to Docket_OMS@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Frank Wright, GGRF Program Office, Office of the Administrator, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-564-7631; email address: ggrf@epa.gov.

SUPPLEMENTARY INFORMATION: This is a request for approval of a new collection. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

This notice allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <https://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This ICR covers the collection of information from those organizations that receive grants funding from the Environmental Protection Agency (EPA) under the authority of section 134 of the Clean Air Act (CAA). CAA 134 was enacted as part of the Inflation Reduction Act (IRA) and authorizes EPA to make competitive grants to States, municipalities, Tribal governments, and eligible non-profit recipients to implement the Greenhouse Gas Reduction Fund, a historic \$27 billion investment to combat the climate crisis by mobilizing financing and private capital for greenhouse gas- and air pollution-reducing projects in communities across the country. Through the GGRF program, EPA is conducting three competitions. This ICR covers the collection of information under awards for all three competitions. EPA will use information from these reports as part of program-wide public reporting, except to the extent such information includes CBI or PII

pursuant to 2 CFR 200.338. Information claimed as CBI in accordance with this Notice will be disclosed only to the extent, and by means of the procedures, set forth in 40 CFR part 2, subpart B.

Form Numbers: None.

Respondents/affected entities:

Grantees, or organizations that receive grants funding from the Environmental Protection Agency (EPA) under the authority of section 134 of the Clean Air Act (CAA). CAA 134 was enacted as part of the Inflation Reduction Act (IRA) and authorizes EPA to make competitive grants to States, municipalities, Tribal governments, and eligible non-profit recipients to implement the Greenhouse Gas Reduction Fund.

Respondent's obligation to respond: required to obtain or retain a benefit under section 134 of the Clean Air Act (CAA).

Estimated number of respondents: NCIF: 33, CCIA 507, SFA 60.

Frequency of response: Quarterly reporting of Quarterly performance report, and one time submission of final performance report. Annual submission of organizational disclosures.

Transaction and project forms are submitted once per transaction and project and updated quarterly if needed.

Total estimated burden: 239,043 hours for respondents annually and 717,130 hours for respondents over the ICR period.

Total estimated cost: \$15,642,198 for respondents annually and \$46,926,593 over the ICR period.

Changes in the Estimates: This is a new collection therefore there is no change in burden.

David Widawsky,

Director of the Greenhouse Gas Reduction Fund.

[FR Doc. 2024-02331 Filed 2-5-24; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of 2024 FASAB Meetings

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) will hold its meetings on the following dates throughout 2024, unless otherwise noted.

DATES:

February 21–22, 2024

April 16–17, 2024

June 11–12, 2024

August 20–21, 2024
October 22–23, 2024
December 17–18, 2024

ADDRESSES: Agendas, briefing materials, and virtual meeting information will be available at <https://www.fasab.gov/briefing-materials/> approximately one week before each meeting.

Any interested person may attend the meetings as an observer. Board discussion and reviews are open to the public. GAO building security requires advance notice of your attendance for in-person meetings. If you wish to attend a FASAB meeting that is being held in-person, please register on our website at <https://www.fasab.gov/pre-registration/> no later than 5 p.m. the Thursday before the meeting to be observed.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512-7350.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to discuss issues related to the following topics:

Accounting and Reporting of Government Land
Climate-Related Financial Reporting Commitments
Intangible Assets
Leases
Omnibus Amendments
Public-Private Partnerships
Reexamination of Existing Standards
Omnibus Concepts Amendments
Management's Discussion and Analysis
Software Technology
Seized and Forfeited Digital Assets
Appointments Panel
Any other topics as needed

Notice is hereby given that a portion of each scheduled meeting may be closed to the public. The Appointments Panel, a chartered subcommittee of FASAB that makes recommendations regarding appointments for non-federal member positions, is expected to meet during each meeting. A portion of each Appointments Panel meeting will be closed to the public. The reason for the closures is that matters covered by 5 U.S.C. 552b(c)(2) and (6) will be discussed. Any such discussions will involve matters that relate solely to internal personnel rules and practices of the sponsor agencies and the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. Such discussions will be segregated into separate discussions so that a portion of each meeting will be open to the public.

Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. 1009(d), portions of

advisory committee meetings may be closed to the public where the head of the agency to which the advisory committee reports determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. The determination shall be in writing and shall contain the reasons for the determination. A determination has been made in writing by the U.S. Government Accountability Office, the U.S. Department of the Treasury, and the Office of Management and Budget, as required by section 10(d) of FACA, that such portions of the meetings may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

Unless otherwise noted, FASAB meetings begin at 9:00 a.m. and conclude before 5 p.m. Meetings are either in-person at the U.S. Government Accountability Office (GAO) building at 441 G St. NW or virtual. Unless otherwise noted, the December and February meetings are virtual, and the April, June, August, and October meetings are in-person. Regardless of whether the Board meeting is virtual or in-person, you may observe the meeting virtually.

Authority: 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001–1014.

Dated: February 1, 2024.

Monica R. Valentine,
Executive Director.

[FR Doc. 2024–02318 Filed 2–5–24; 8:45 am]

BILLING CODE 1610–02–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 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 March 7, 2024.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 S LaSalle State, Chicago, Illinois 60690–1414. Comments can also be sent electronically to Comments.applications@chi.frb.org.

1. *First Financial Corporation, Terre Haute, Indiana*; to acquire SimplyBank., Dayton, Tennessee.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–02359 Filed 2–5–24; 8:45 am]

BILLING CODE 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 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 February 21, 2024.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to BOS.SRC.Applications.Comments@bos.frb.org:

1. *The Walter & Carole Young Living Trust, Stephen U. Samaha, as co-trustee, both of Littleton, New Hampshire, and Neil I. Geschwind, as co-trustee, Melville, New York; and the Sarah W. Samaha Revocable Trust, Sarah W. Samaha, as co-trustee, both of Sugar Hill, New Hampshire and Stephen U. Samaha, as co-trustee*; a group acting in concert to retain voting shares of Guaranty Bancorp, Inc., and thereby indirectly retain voting shares of Woodsville Guaranty Savings Bank, both of Woodsville, New Hampshire.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–02360 Filed 2–5–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0047; Docket No. 2024–0053; Sequence No. 4]

Information Collection; Place of Performance

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 place of performance. 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 May 31, 2024. 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 April 8, 2024.

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. 9000–0047, Place of Performance. 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)

OMB Control No. 9000–0047, Place of Performance.

B. Need and Uses

This clearance covers the information that bidders or offerors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

- FAR 52.214–14, Place of Performance-Sealed Bidding. This FAR provision is prescribed for invitation for bids (*i.e.*, FAR part 14 procurements) where the Government did not specify the place of performance.

- FAR 52.215–6, Place of Performance.

This FAR provision is prescribed for solicitations, when contracting by negotiation (*i.e.*, FAR part 15 procurements), where the Government did not specify the place of performance.

Both provisions ask for identical information from bidders or offerors: whether or not they intend to use one or more plants or facilities located at a different address from the address of the bidder or offeror as indicated in their bid or offer. If the response indicates the intention to use plants or facilities located at a different location than the bidder's or offeror's address, the provisions require that bidders or offerors provide the address(es) of the other place(s) of performance, along with name and address of the owner and operator of such plant or facility (if other than the bidder or offeror).

Contracting officers use the place of performance and the owner of the plant or facility to—

- (a) Determine prospective contractor responsibility;
- (b) Determine price reasonableness;
- (c) Conduct plant or source inspections; and
- (d) Determine whether the prospective contractor is a manufacturer or a regular dealer.

C. Annual Burden

Respondents: 6,086.

Total Annual Responses: 964,331.

Total Burden Hours: 43,877.

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. 9000–0047, Place of Performance.

Janet Fry,

*Director, Federal Acquisition Policy Division,
Office of Governmentwide Acquisition Policy,
Office of Acquisition Policy, Office of
Governmentwide Policy.*

[FR Doc. 2024–02329 Filed 2–5–24; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting for Software Developers on the Common Formats for Patient Safety Data Collection

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of public meeting.

SUMMARY: AHRQ coordinates the development of sets of standardized definitions and formats (Common Formats) that make it possible to collect, aggregate, and analyze uniformly structured information about health care quality and patient safety for local, regional, and national learning. The Common Formats include technical specifications to facilitate the collection of electronically comparable data by Patient Safety Organizations (PSOs) and other entities. Additional information about the Common Formats can be obtained through AHRQ's PSO website at <https://psa.ahrq.gov/common-formats> and the PSO Privacy Protection Center's website at https://www.psoppc.org/psoppc_web/publicpages/commonFormatsOverview.

The purpose of this notice is to announce a meeting to discuss implementation of the Common Formats with software developers and other interested parties. This meeting is designed as an interactive forum where software developers can provide input on use of the formats. AHRQ especially requests participation by and input from those entities which have used AHRQ's technical specifications and implemented, or plan to implement, the Common Formats electronically.

DATES: The meeting will be held from 2:00 to 3:00 p.m. Eastern on Thursday, March 7, 2024.

ADDRESSES: The meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT:

Erofile Gripiotis, Program Analyst, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: psa@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to 299b–26 (Patient Safety Act), and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70731–70814, provide for the Federal listing of Patient Safety Organizations (PSOs), which collect, aggregate, and analyze confidential information (patient safety work product) regarding the quality and safety of health care delivery.

The Patient Safety Act requires PSOs, to the extent practical and appropriate,

to collect patient safety work product from providers in a standardized manner that permits valid comparisons of similar cases among similar providers. (42 U.S.C. 299b–24(b)(1)(F)). The Patient Safety Act also authorizes the development of data standards, known as the Common Formats, to facilitate the aggregation and analysis of non-identifiable patient safety data collected by PSOs and reported to the network of patient safety databases (NPSD). (42 U.S.C. 299b–23(b)). The Patient Safety Act and Patient Safety Rule can be accessed at: <http://www.pso.ahrq.gov/legislation/>.

AHRQ has issued Common Formats for Event Reporting (CFER) for three settings of care—hospitals, nursing homes, and community pharmacies. AHRQ has also issued Common Formats for Event Reporting—Diagnostic Safety (CFER–DS) designed for use in all healthcare settings.

Federally listed PSOs can meet the requirement to collect patient safety work product in a standardized manner to the extent practical and appropriate by using AHRQ's Common Formats. The Common Formats are also available in the public domain to encourage their widespread adoption. An entity does not need to be listed as a PSO or working with one to use the Common Formats. However, the Federal privilege and confidentiality protections only apply to information developed as patient safety work product by providers and PSOs working under the Patient Safety Act.

Agenda, Registration, and Other Information About the Meeting

The Agency for Healthcare Research and Quality (AHRQ) will be hosting this fully virtual meeting to discuss implementation of the Common Formats with members of the public, including software developers and other interested parties. Agenda topics will include recent enhancement to the NPSD dashboards and data submission to the PSO Privacy Protection Center (PSOPPC). Active participation and discussion by meeting participants is encouraged.

AHRQ requests that interested persons send an email to SDMeetings@infinityconferences.com for registration information. Before the meeting, an agenda and logistical information will be provided to registrants.

Dated: January 31, 2024.

Marquita Cullom,
Associate Director.

[FR Doc. 2024–02257 Filed 2–5–24; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10552]

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 March 7, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Implementation of Medicare Programs;—Medicare Promoting Interoperability Program; *Use:* The Centers for Medicare & Medicaid Services (CMS) is requesting approval to collect information from eligible hospitals and critical access hospitals (CAHs). We have finalized changes to this program as discussed in the FY 2024 Inpatient Prospective Payment System (IPPS)/Long-term Care Hospital Prospective Payment System (LTCH PPS) final rule. This is a revision of the information collection request.

The American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111–5) was enacted on February 17, 2009. Title IV of division B of the Recovery Act amended titles XVIII and XIX of the Social Security Act (the Act) by establishing incentive payments to eligible professionals (EPs), eligible hospitals and CAHs, and Medicare Advantage (MA) organizations participating in the Medicare and Medicaid programs that adopt and successfully demonstrate meaningful use of certified EHR technology (CEHRT). These Recovery Act provisions, together with title XIII of division A of the Recovery Act, may be cited as the “Health Information Technology for Economic and Clinical Health Act” or the “HITECH Act.”

The HITECH Act created incentive programs for EPs, eligible hospitals including CAHs, and MA organizations

in the Medicare Fee-for-Service (FFS), and Medicaid programs that successfully demonstrated meaningful use of CEHRT. In their first payment year, Medicaid EPs, eligible hospitals including MA organizations and CAHs could adopt, implement, or upgrade to certified EHR technology. It also allowed for negative payment adjustments in the Medicare FFS and MA programs starting in 2015 for EPs, eligible hospitals including MA organizations and CAHs participating in Medicare that are not meaningful users of CEHRT. The Medicaid Promoting Interoperability Program did not authorize negative payment adjustments, but its participants were eligible for incentive payments until December 31, 2021, when the program ended.

In CY 2017, we began collecting data from eligible hospitals and CAHs to determine the application of the Medicare payment adjustments. This information collection was also used to make incentive payments to eligible hospitals in Puerto Rico from 2016 through 2021. At this time, Medicare eligible professionals no longer reported to the EHR Incentive Program, as they began reporting under the Merit-based Incentive Payment System's (MIPS) Promoting Interoperability Performance Category. In 2019, the EHR Incentives Program for eligible hospitals and CAHs was subsequently renamed the Medicare Promoting Interoperability Program. In subsequent years, we have focused on balancing reporting burden for eligible hospitals and CAHs while also implementing changes designed to incentivize the advanced use of CEHRT to support health information exchange, interoperability, advanced quality measurement, and maximizing clinical effectiveness and efficiencies.

In the FY 2024 IPPS/LTCH PPS final rule, we finalized the following policy changes for eligible hospitals and CAHs that attest to CMS under the Medicare Promoting Interoperability Program. None of the policies we finalized will affect the information collection burden: (i) to adopt three electronic clinical quality measures (eCQMs) beginning with the CY 2025 reporting period: (1) Hospital Harm—Pressure Injury eCQM; (2) Hospital Harm—Acute Kidney Injury eCQM; and (3) Excessive Radiation Dose or Inadequate Image Quality for Diagnostic Computed Tomography (CMT) in Adults eCQM; (ii) to modify the Safety Assurance Factors for EHR Resilience (SAFER) Guides measure to require eligible hospitals and CAHs to submit a “yes” attestation to fulfill the measure beginning with the EHR reporting period in CY 2024; and (iii) to

establish an EHR reporting period of a minimum of any continuous 180-day period in CY 2025. *Form Number:* CMS–10552 (OMB control number: 0938–1278); *Frequency:* Annually; *Affected Public:* State, Local or Private Government; Business and for-profit and Not-for-profit; *Number of Respondents:* 4,500; *Total Annual Responses:* 4,500; *Total Annual Hours:* 29,625. (For policy questions regarding this collection, contact Jessica Warren at 410–786–7519.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–02306 Filed 2–5–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3454–PN]

Medicare and Medicaid Programs; Application by DNV Healthcare USA Inc. (DNV) for Continued CMS Approval of Its Psychiatric Hospital Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed notice.

SUMMARY: This proposed notice acknowledges the receipt of a deeming application from DNV Healthcare USA Inc. (DNV) for continued Centers for Medicare & Medicaid Services (CMS) approval of its psychiatric hospital accreditation program. The statute requires that within 60 days of receipt of an organization's complete application, CMS must publish a notice that identifies the national accrediting body making the request, describes the nature of the request, and provides at least a 30-day public comment period.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, by March 7, 2024.

ADDRESSES: In commenting, refer to file code CMS–3454–PN.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the “Submit a comment” instructions.
2. *By regular mail.* You may mail written comments to the following

address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3454–PN, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3454–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Joann Fitzell, (410) 786–4280.

Lillian Williams, (410) 786–8636.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on [Regulations.gov](http://www.regulations.gov) public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a psychiatric hospital provided certain requirements are met. Section 1861(f) of the Social Security Act (the Act), establishes distinct criteria for facilities seeking designation as a psychiatric hospital. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR 482 subpart E specify the minimum conditions that a psychiatric hospital must meet to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for psychiatric hospitals.

Generally, to enter into an agreement, a psychiatric hospital must first be certified by a state survey agency (SA) as complying with the conditions or requirements set forth in part 482, subpart E of our regulations. Thereafter, the psychiatric hospital is subject to regular surveys by an SA to determine whether it continues to meet these requirements.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by a Centers for Medicare & Medicaid Services (CMS)-approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of the Department of Health and Human Services (the Secretary) as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at §§ 488.4 and 488.5. The regulations at § 488.5(e)(2)(i) require AOs to reapply for continued approval of its accreditation program every 6 years or sooner as determined by CMS.

DNV Healthcare USA Inc.'s (DNV's) current term of approval for their psychiatric hospital accreditation program expires July 30, 2024.

II. Approval of Deeming Organization

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of a national AO's requirements consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's

complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. The Act provides us 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of DNV's request for continued approval of its psychiatric hospital accreditation program. This notice also solicits public comment on whether DNV's requirements meet or exceed the Medicare conditions of participation (CoPs) for psychiatric hospitals.

III. Evaluation of Deeming Authority Request

DNV submitted all the necessary materials to enable us to make a determination concerning its request for initial approval of its psychiatric hospital accreditation program. This application was determined to be complete on January 2, 2024. Under section 1865(a)(2) of the Act and our regulations at § 488.5 (Application and re-application procedures for national accrediting organizations), our review and evaluation of the DNV will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of the DNV standards for psychiatric hospitals as compared with CMS' psychiatric hospital CoPs.

- The DNV survey process to determine the following:

- ++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

- ++ The comparability of DNV's processes to those of state agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

- ++ DNV's processes and procedures for monitoring a psychiatric hospital found out of compliance with DNV's program requirements. These monitoring procedures are used only when DNV identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the state SA monitors corrections as specified at § 488.9(c).

- ++ DNV's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

- ++ DNV's capacity to provide CMS with electronic data and reports necessary for effective validation and

assessment of the organization's survey process.

- ++ The adequacy of DNV's staff and other resources, and its financial viability.

- ++ DNV's capacity to adequately fund required surveys.

- ++ DNV's policies with respect to whether surveys are announced or unannounced, to ensure that surveys are unannounced.

- ++ DNV's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

- ++ DNV's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans).

Upon completion of our evaluation, including evaluation of public comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Vanessa Garcia, who is the **Federal Register** Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Vanessa Garcia,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024-02342 Filed 2-5-24; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****[Docket No. FDA-2024-N-0008]****Ophthalmic Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting—FSYX Ocular Pressure Adjusting Pump System****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) announces a forthcoming public advisory committee meeting of the Ophthalmic Devices Panel of the Medical Devices Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will take place virtually on March 21, 2024, from 9 a.m. to 6 p.m. Eastern Time.

ADDRESSES: All meeting participants will be heard, viewed, captioned, and recorded for this advisory committee meeting via an online teleconferencing and/or video conferencing platform. Answers to commonly asked questions about FDA advisory committee meetings, including information regarding special accommodations due to a disability may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FOR FURTHER INFORMATION CONTACT: Akinola Awojope, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5214, Silver Spring, MD 20993-0002, Akinola.Awojope@fda.hhs.gov, 301-636-0512, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On March 21, 2024, the committee will discuss and make recommendations on information related to the De Novo request by Balance Ophthalmics, Inc. for the safety and effectiveness of the FSYX Ocular Pressure Adjusting Pump (FSYX OPAP) System. The FSYX OPAP System is indicated as adjunctive therapy for the reduction of intraocular pressure (IOP) during use in adult patients with open-angle glaucoma and IOP $\leq$ 21 mmHg.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material and the link to the online teleconference meeting room will be available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down and select the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 5, 2024. Oral presentations from the public will be scheduled on March 21, 2024, between approximately 1 p.m. and 2 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person (see **FOR FURTHER INFORMATION CONTACT**). The notification should include a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 26, 2024. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 27, 2024.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301-796-4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact AnnMarie Williams at Annmarie.Williams@fda.hhs.gov or 240-507-6496 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform. This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. The conditions for issuance of a waiver under 21 CFR 10.19 are met.

Dated: February 1, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-02361 Filed 2-5-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****[Docket No. FDA-2022-N-0150]****Revocation of Two Authorizations of Emergency Use of In Vitro Diagnostic Device for Detection and/or Diagnosis of COVID-19; Availability****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the Emergency Use Authorization (EUAs) (the Authorizations) issued to Southern California Permanente Medical Group, for the Kaiser Permanente High Throughput SARS-CoV-2 Assay, that

includes the Kaiser Permanente Saliva Home Collection Kit, and Drexel University College of Medicine, for the SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay. FDA revoked the Authorizations under the Federal Food, Drug, and Cosmetic Act (FD&C Act) as requested by the Authorization holder. The revocations, which include an explanation of the reasons for each revocation, are reprinted at the end of this document.

DATES: The revocation of the Authorization for the Southern California Permanente Medical Group's Kaiser Permanente High Throughput SARS-CoV-2 Assay, that includes the Kaiser Permanente Saliva Home Collection Kit, is effective as of September 29, 2023. The revocation of the Authorization for the Drexel University College of Medicine for the SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay is effective as of October 5, 2023.

ADDRESSES: Submit written requests for a single copy of the revocations to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the revocations may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revocations.

FOR FURTHER INFORMATION CONTACT: Kim Sapsford-Medintz, Office of Product Evaluation and Quality, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3216, Silver Spring, MD 20993-0002, 301-796-0311 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb-3) as amended by the Project BioShield Act of 2004 (Pub. L. 108-276) and the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113-5) allows FDA to strengthen the public health

protections against biological, chemical, radiological, or nuclear agent or agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. On April 19, 2021, FDA issued the Authorization to Southern California Permanente Medical Group, for the Kaiser Permanente High Throughput SARS-CoV-2 Assay, that includes the Kaiser Permanente Saliva Home Collection Kit, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on July 23, 2021 (86 FR 39040), as required by section 564(h)(1) of the FD&C Act.

On April 28, 2023, FDA issued the Authorization to Drexel University College of Medicine, for the SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on January 25, 2024 (89 FR 4952), as required by section 564(h)(1) of the FD&C Act.

Subsequent updates to the Authorizations were made available on FDA's website. The authorization of a device for emergency use under section 564 of the FD&C Act may, pursuant to section 564(g)(2) of the FD&C Act, be revoked when the criteria under section 564(c) of the FD&C Act for issuance of such authorization are no longer met (section 564(g)(2)(B) of the FD&C Act), or other circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the FD&C Act).

II. Authorizations Revocation Requests

In a request received by FDA on May 11, 2023, Southern California Permanente Medical Group requested the withdrawal of, and on September 29, 2023, FDA revoked, the Authorization for the Southern California Permanente Medical Group's Kaiser Permanente High Throughput SARS-CoV-2 Assay, that includes the Kaiser Permanente Saliva Home Collection Kit. Because Southern California Permanente Medical Group notified FDA that they have stopped

distributing the Kaiser Permanente Saliva Home Collection Kit at the end of May 2023 and have also stopped receiving and processing the kits and requested FDA withdraw the Southern California Permanente Medical Group's Kaiser Permanente High Throughput SARS-CoV-2 Assay, that includes the Kaiser Permanente Saliva Home Collection Kit, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on September 29, 2023, Drexel University College of Medicine requested the withdrawal of, and on October 5, 2023, FDA revoked, the Authorization for the Drexel University College of Medicine's SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay. Because Drexel University College of Medicine notified FDA that they have discontinued the use of SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay at Drexel University, Drexel Medicine Diagnostics and requested FDA withdraw the Drexel University College of Medicine's SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

III. Electronic Access

An electronic version of this document and the full text of the revocations are available on the internet at <https://www.regulations.gov/>.

IV. The Revocations

Having concluded that the criteria for revocation of the Authorizations under section 564(g)(2)(C) of the FD&C Act are met, FDA has revoked the EUA of Southern California Permanente Medical Group's Kaiser Permanente High Throughput SARS-CoV-2 Assay, that includes the Kaiser Permanente Saliva Home Collection Kit, and Drexel University College of Medicine's SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay. The revocation in its entirety follows and provide an explanation of the reasons for revocation, as required by section 564(h)(1) of the FD&C Act.

BILLING CODE 4161-01-P



September 29, 2023

Kenneth Van Horn, PhD, D(ABMM)
Technical Director, Microbiology
Southern California Permanente Medical Group
Regional Reference Laboratories, Chino Hills
13000 Peyton Drive
Chino Hills, CA 91709

Re: Revocation of EUA203058

Dear Dr. Van Horn:

This letter is in response to the request from Southern California Permanente Medical Group, in a letter received May 11, 2023, that the U.S. Food and Drug Administration (FDA) terminate the EUA for the Kaiser Permanente High Throughput SARS-CoV-2 Assay, that includes the Kaiser Permanente Saliva Home Collection Kit, issued on April 19, 2021 and subsequently re-issued on September 21, 2021. Southern California Permanente Medical Group indicated that they have stopped distributing the Kaiser Permanente Saliva Home Collection Kit at the end of May 2023 and have also stopped receiving and processing the kits as of the date of this letter, and requested that the EUA be terminated.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Southern California Permanente Medical Group has requested that FDA terminate the EUA for the Kaiser Permanente High Throughput SARS-CoV-2 Assay, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA203058 for the Kaiser Permanente High Throughput SARS-CoV-2 Assay, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the Kaiser Permanente High Throughput SARS-CoV-2 Assay is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

//s//

Jeffrey E. Shuren, M.D., J.D.
Director
Center for Devices and Radiological Health
Food and Drug Administration



October 5, 2023

Donald C. Hall, Jr. Ph.D.
Director of Operations
Drexel Medicine Diagnostics
College of Medicine, Drexel University
245 N. 15th Street, Room 5108
Philadelphia, PA 19102

Re: Revocation of EUA220099

Dear Dr. Hall:

This letter is in response to the request from Drexel University College of Medicine, in an email received September 29, 2023, that the U.S. Food and Drug Administration (FDA) withdraw the EUA for the SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay, issued on April 19, 2021. Drexel University College of Medicine indicated that they have discontinued use of the SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay at Drexel University, Drexel Medicine Diagnostics, located at 245 N. 15th Street, Room 5401, Philadelphia, PA 19102.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Drexel University College of Medicine has requested that FDA withdraw the EUA for the SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA220099 for the SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the SARS-CoV-2 DUCoM-PDL Modified Tetracore Assay is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

//s//

Jeffrey E. Shuren, M.D., J.D.
Director
Center for Devices and Radiological Health
Food and Drug Administration

Date: February 1, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-02356 Filed 2-5-24; 8:45 am]

BILLING CODE 4161-01-C

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

Food and Drug Administration

[Docket No. FDA-2021-D-1031]

**Reporting Amount of Listed Drugs and
Biological Products Under Section
510(j)(3) of the Federal Food, Drug, and
Cosmetic Act; Guidance for Industry;
Availability**

AGENCY: Food and Drug Administration,
HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled "Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the Federal Food, Drug, and Cosmetic Act; Guidance for Industry; Availability." This guidance addresses the process through which registrants of drug establishments should submit reports to FDA on the amount of each listed drug manufactured, prepared,

propagated, compounded, or processed for commercial distribution, as required by the Federal Food, Drug, and Cosmetic Act (FD&C Act). This guidance finalizes the draft guidance of the same title published on November 1, 2021. To allow for the transition of technical updates to the NextGen Portal, FDA will delay implementation of the final guidance until February 26, 2024. The draft guidance will remain available until that date.

DATES: The announcement of the guidance is published in the **Federal Register** on February 6, 2024. Implementation of this guidance will be delayed until February 26, 2024, to allow for the transition of technical updates to the NextGen Portal.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for

information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2021-D-1031 for "Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the Federal Food, Drug, and Cosmetic Act." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division

of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002; or to Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Neil Stiber, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4128, Silver Spring, MD 20993-0002, 301-796-8944; James Myers, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7226, Silver Spring, MD 20993-0002, 240-402-5923; or Linda Walter-Grimm, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl. (HFV-240), Rockville, MD 20855, 240-753-3173.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the FD&C Act." On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Pub. L. 116-136) was enacted to aid response efforts and ease the economic impact of the Coronavirus Disease 2019 (COVID-19). In addition, the CARES Act included authorities to enhance FDA's ability to assess, prevent, and mitigate possible drug shortages by, among other things, improving FDA's visibility into drug supply chains. Section 3112(e) of the CARES Act added section 510(j)(3) of the FD&C Act (21 U.S.C. 360(j)(3)), which requires that each person (including repackers and relabelers) who registers with FDA under section 510 of the FD&C Act with regard to a drug must report annually to FDA the amount of each listed drug that was manufactured, prepared, propagated, compounded, or processed by such person for commercial distribution.

This guidance describes the process that should be used for such reporting by each person who registers with FDA under section 510 of the FD&C Act with regard to a listed drug (including a drug

product that is in finished package form, a drug product that is not in finished package form, an active pharmaceutical ingredient, and other types of listed drugs, except for biological products or categories thereof exempted by an order under section 510(j)(3)(B) of the FD&C Act). Listed drugs subject to reporting include human drug products (including non-exempt biological products) marketed under an approved application, animal drug products marketed under an approved application, medical gases, homeopathic products, products marketed in accordance with requirements under section 505G of the FD&C Act (21 U.S.C. 355h), often referred to as over-the-counter monograph drugs, and animal drug products that are not approved, conditionally approved, or indexed under sections 512, 571, and 572 of the FD&C Act (21 U.S.C. 360b, 360ccc, and 360ccc-1).

This guidance finalizes the draft guidance entitled “Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the FD&C Act” published on November 1, 2021 (86 FR 60249). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include changes to the recommended timeframe for report submission, as well as changes to the recommended units for the reporting of drugs that are not drug products in finished package form. These changes were made in response to public comments received and in the interest of facilitating drug amount data submission and improving data accuracy. Revisions also were made to clarify the reporting requirements applicable to registrants of listed drugs across the drug supply chain, including contract manufacturers. Further revisions were made to clarify and further detail how FDA plans to use data derived from the drug amount reporting program, including data submitted by each registrant in the drug supply chain.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the FD&C Act.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 207 pertaining to registration of producers of drugs and listing of drugs in commercial distribution have been approved under OMB control number 0910–0045. The collections of information in 21 CFR parts 314 and 601 have been approved under OMB control numbers 0910–0001 and 0910–0338, respectively. The collections of information pertaining to notifications of discontinuance or interruption in manufacturing under 21 CFR 310.306 and 314.81(b)(3)(iii) have been approved under OMB control number 0910–0001. The collections of information relating to 21 CFR 600.81 and 600.82 have been approved under OMB control number 0910–0308. The collections of information in 21 CFR parts 210 and 211 relating to current good manufacturing practice have been approved under OMB control number 0910–0139. The collections of information in 21 CFR 514.80 have been approved under OMB control number 0910–0284. The collections of information in 21 CFR 514.87 have been approved under OMB control number 0910–0659.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, <https://www.fda.gov/animal-veterinary/guidance-regulations/guidance-industry>, or <https://www.regulations.gov>.

Dated: February 1, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–02369 Filed 2–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Pediatric Mental Health Care Access Program National Impact Study

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than April 8, 2024.

ADDRESSES: Submit your comments to paperwork@hrsa.gov or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, Maryland, 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call Joella Roland, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Pediatric Mental Health Care Access Program National Impact Study, OMB No. 0915–xxxx—[New].

Abstract: This notice describes an information collection request for one of HRSA’s Maternal and Child Health Bureau programs, the Pediatric Mental Health Care Access (PMHCA) Program. The PMHCA Program aims to promote behavioral health integration into pediatric primary care by supporting the development of state, regional, and tribal pediatric mental health care teleconsultation access programs. The PMHCA Program supports pediatric health professionals (HPs)¹ in their

¹ Health professionals may include but are not limited to pediatricians, family physicians,

delivery of high-quality and timely screening, assessment, treatment, and referrals for children and adolescents with behavioral health conditions through the provision of teleconsultation, care coordination support/navigation (e.g., resource identification and referrals), and training and education.

The information will be collected from participants in HRSA PMHCA award recipient programs that were funded in 2021, 2022, or 2023. The 2021 and 2022 PMHCA programs are authorized by 42 U.S.C 254c–19 (Title III, § 330M of the Public Health Service Act), using funding appropriated by Section 2712 of the American Rescue Plan Act of 2021 (Pub. L. 117–2), and the 2023 PMHCA programs are authorized by 42 U.S.C 254c–19 (§ 330M of the Public Health Service Act), as amended by section 11005 of the Bipartisan Safer Communities Act (Pub. L. 117–159). To examine the impact of the PMHCA program on children and adolescents, this data collection will use two instruments: the HP Impact Survey and the Family/Caregiver Focus Group Discussion (FGD). Additionally, family members/caregivers identified by PMHCA programs to participate in the Family/Caregiver FGD will be asked demographic questions (Family/Caregiver Demographic Questionnaire) about themselves and their child/adolescent for the purpose of FGD

sampling and to inform qualitative data analyses.

Need and Proposed Use of the Information: This information is needed by HRSA to examine PMHCA program impacts on children/adolescents and their families/caregivers in order to guide future program decisions. Specifically, data collected for the PMHCA Impact Study will be used to examine changes in children's and adolescents' and their families'/caregivers' access to behavioral health care; their subsequent receipt and utilization of behavioral health care, including culturally and linguistically appropriate care; related behavioral health impacts; and monetary and societal cost-benefits. The study will examine changes over time regarding enrolled/participating HPs' practices with screening, diagnosing, treating, and referring children and adolescents with behavioral health conditions and assess their perceptions of the behavioral health impact of the PMHCA Program. Additionally, the study will deepen understanding of families'/caregivers' experiences with behavioral health care access, receipt, and utilization; satisfaction with behavioral health care services; and the impact of behavioral health services on their children/adolescents.

Likely Respondents:

- **HP Impact Survey:** Pediatricians, family physicians, physician assistants,

advanced practice nurses/nurse practitioners, licensed practical nurses, registered nurses, counselors, social workers, medical assistants;

- **Family/Caregiver FGD:** Family members and caregivers who have sought and/or received behavioral health care for their child(ren)/adolescent(s); and

- **Family/Caregiver Demographic Questionnaire:** Family members and caregivers who have sought and/or received behavioral health care for their child(ren)/adolescent(s).

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
HP Impact Survey	21,070	2	42,140	0.17	7,163.80
Family/Caregiver FGD	42	1	42	1.00	42
Family/Caregiver Demographic Questionnaire	270	1	270	.08	21.60
Total	21,382	.....	42,452	.....	7,227.40

HRSA specifically requests comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

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BILLING CODE 4165–15–P

physician assistants, advanced practice nurses/nurse practitioners, licensed practical nurses,

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Ryan White HIV/AIDS Program Part C Early Intervention Services

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of supplemental award.

SUMMARY: HRSA expects the availability of additional funds for the RWHAP Part C Early Intervention Services (EIS) Program due to relinquishments,

registered nurses, counselors, social workers, medical assistants, patient care navigators.

reductions, closeouts, and unawarded fiscal year (FY) 2023 new service area competition funds in the estimated amount of \$4.2 million and intends to distribute these supplemental funds across the current cohort of RWHAP Part C EIS recipients. The amount is subject to change depending on the availability of additional funds.

FOR FURTHER INFORMATION CONTACT:

CAPT Mahyar Mofidi, Director, Division of Community HIV/AIDS Programs, HIV/AIDS Bureau, Health Resources and Services Administration, at mmofidi@hrsa.gov or 301–443–2075.

SUPPLEMENTARY INFORMATION: Intended Recipient(s) of the Award: 351 of the 357 recipients funded under the RWHAP Part C EIS Program for FY 2024, as listed in Table 1. HRSA used the established funding methodology for determining estimated award amounts, but excluded recipients that had (1) at least a 25 percent cumulative unobligated balances at the end of the FY 2018–2021 period of performance

and (2) an annual unobligated balance greater than 25 percent for at least three of these four budget periods. These exclusions are intended to ensure that supplemental funding is put to use as expeditiously as possible in order to serve RWHAP clients.

Amount of Non-Competitive Award(s): Estimated from \$0 to \$19,995, according to Table 1.

Project Period: The current 3-year period of performance (FY 2022–2024)

for the RWHAP Part C EIS Program is comprised of three cohorts: (1) January 1, 2022, to December 31, 2024; (2) April 1, 2022, to March 31, 2025; and (3) May 1, 2022, to April 30, 2025.

Assistance Listing (CFDA) Number: 93.918.

Award Instrument: Supplement.

Authority: 42 U.S.C. 300ff–51 to –67 and 300ff–121 (sections 2651–2667 and 2693 of the Public Health Service Act).

TABLE 1—RECIPIENTS AND ESTIMATED AWARD AMOUNTS

Grant No.	Award recipient name	City, state	Estimated award amount
H76HA00723	Alaska Native Tribal Health Consortium	Anchorage, AK	\$10,385
H76HA00196	Anchorage Neighborhood Health Center	Anchorage, AK	8,581
H76HA00094	Health Services Center, Inc	Anniston, AL	14,195
H76HA25710	University of Alabama at Birmingham	Birmingham, AL	0
H76HA00624	AIDS Action Coalition of Huntsville, Inc	Huntsville, AL	18,741
H76HA00081	Mobile County Health Department	Mobile, AL	9,488
H76HA31532	Mobile County Board of Health	Mobile, AL	5,816
H76HA49279	West Alabama AIDS Outreach, Inc	Tuscaloosa, AL	5,000
H76HA00595	Whatley Health Services, Inc	Tuscaloosa, AL	12,586
H76HA00711	ARcare	Augusta, AR	10,597
H76HA31745	ARcare	Augusta, AR	9,398
H76HA00133	Jefferson Comprehensive Care System	Pine Bluff, AR	0
H76HA00753	East Arkansas Family Health Center, Inc	West Memphis, AR	9,569
H76HA00151	Maricopa County Special Health Care District doing business as (dba) Valleywise Health.	Phoenix, AZ	19,995
H76HA00152	El Rio Santa Cruz Neighborhood Health Center	Tucson, AZ	18,053
H76HA02485	Arizona Board of Regents, The University of Arizona	Tucson, AZ	15,551
H76HA00797	Open Door Community Health Centers	Arcata, CA	9,381
H76HA00659	El Proyecto Del Barrio	Arleta, CA	7,747
H76HA00165	Clinica Sierra Vista	Bakersfield, CA	11,564
H76HA00169	Alta Med Health Services Corporation	Commerce, CA	16,864
H76HA00823	Solano County Health & Social Services Department	Fairfield, CA	9,690
H76HA00160	Tri-City Health Center	Fremont, CA	13,876
H76HA00765	Fresno Community Hospital and Medical Center dba University Medical Center.	Fresno, CA	16,860
H76HA00149	West County Health Centers, Inc	Guerneville, CA	9,975
H76HA00190	Regents of University of California	La Jolla, CA	13,395
H76HA26212	Bartz-Altadonna Community Health Center	Lancaster, CA	5,940
H76HA00510	Dignity Health Db a Saint Mary Medical Center	Long Beach, CA	12,564
H76HA00734	T.H.E. Clinic, Inc	Los Angeles, CA	5,546
H76HA02163	Charles R Drew University of Medicine and Science	Los Angeles, CA	7,234
H76HA00158	Los Angeles LGBT Center	Los Angeles, CA	19,404
H76HA00832	Watts Healthcare Corporation	Los Angeles, CA	6,854
H76HA01700	University of Southern California, School of Medicine	Los Angeles, CA	11,795
H76HA24733	JWCH Institute, Inc	Los Angeles, CA	12,485
H76HA00618	Contra Costa County Health Services Department	Martinez, CA	10,276
H76HA25703	County of Ventura	Oxnard, CA	10,493
H76HA31746	Desert AIDS Project	Palm Springs, CA	10,518
H76HA01696	Plumas County Public Health Agency	Quincy, CA	7,360
H76HA00616	Shasta Community Health Center	Redding, CA	9,294
H76HA00703	Cares Community Health	Sacramento, CA	14,476
H76HA01716	County of Monterey	Salinas, CA	12,121
H76HA00154	San Bernardino County Public Health Department	San Bernardino, CA	5,611
H76HA00150	Family Health Centers of San Diego, Inc	San Diego, CA	15,321
H76HA24739	City & County of San Francisco	San Francisco, CA	5,000
H76HA00163	San Francisco Community Clinic Consort	San Francisco, CA	12,256
H76HA00157	Santa Clara County Department of Public Health	San Jose, CA	14,135
H76HA10747	Centro De Salud De La Comunidad San Ysidro	San Ysidro, CA	15,664
H76HA00146	County of Orange	Santa Ana, CA	16,435
H76HA00193	Santa Barbara County Health Department	Santa Barbara, CA	10,950
H76HA00153	Santa Cruz County	Santa Cruz, CA	9,921
H76HA19262	Santa Rosa Community Health Centers	Santa Rosa, CA	13,170
H76HA00191	Community Medical Center	Stockton, CA	11,000
H76HA00791	Tarzana Treatment Centers, Inc	Tarzana, CA	5,435
H76HA00170	Mendocino Community Health Clinic, Inc	Ukiah, CA	9,366
H76HA00159	Northeast Valley Health Corporation	Van Nuys, CA	11,971

TABLE 1—RECIPIENTS AND ESTIMATED AWARD AMOUNTS—Continued

Grant No.	Award recipient name	City, state	Estimated award amount
H76HA00207	Venice Family Clinic	Venice, CA	7,502
H76HA00794	Ampla Health	Yuba City, CA	10,271
H76HA02486	Boulder Community Hospital	Boulder, CO	18,166
H76HA00143	Denver Health and Hospital Authority	Denver, CO	13,531
H76HA00593	St. Mary's Hospital and Medical Center	Grand Junction, CO	9,432
H76HA00815	Pueblo Community Health Center, Inc	Pueblo, CO	0
H76HA00021	Optimus Health Care, Inc	Bridgeport, CT	8,449
H76HA00007	Southwest Community Health Center	Bridgeport, CT	9,395
H76HA46009	Apex Community Care, Inc	Danbury, CT	5,000
H76HA45488	Apex Community Care, Inc	Danbury, CT	7,034
H76HA08064	Community Health Services, Inc	Hartford, CT	8,044
H76HA00717	Community Health Center, Inc	Middletown, CT	10,010
H76HA00014	Cornell Scott-Hill Health Corporation	New Haven, CT	7,874
H76HA00648	Fair Haven Community Health Clinic, Inc	New Haven, CT	6,777
H76HA30934	Staywell Health Care, Inc	Waterbury, CT	7,886
H76HA00787	Generations Family Health Center, Inc	Willimantic, CT	7,564
H76HA00074	Whitman-Walker Clinic	Washington, DC	8,560
H76HA00178	Family and Medical Counseling Service	Washington, DC	8,873
H76HA00071	Unity Health Care, Inc	Washington, DC	13,182
H76HA04384	Howard University Hospital Comprehensive Clinic	Washington, DC	8,392
H76HA00176	Christiana Care Health Services, Inc	Wilmington, DE	18,309
H76HA24730	Charlotte and Desoto County Health Department	Arcadia, FL	8,921
H76HA00596	Florida Department of Health in Polk County	Bartow, FL	19,995
H76HA46008	AIDS Healthcare Foundation	Escambia, FL	5,000
H76HA12909	The McGregor Clinic, Inc	Fort Myers, FL	17,573
H76HA00210	North Broward Hospital District	Ft. Lauderdale, FL	13,276
H76HA00590	Okaloosa County Health Department	Ft. Walton Beach, FL	10,786
H76HA01312	University of Florida	Gainesville, FL	9,361
H76HA00086	Collier Health Services	Immokalee, FL	0
H76HA01709	Duval County Health Department	Jacksonville, FL	17,706
H76HA00087	Monroe County Health Department	Key West, FL	9,620
H76HA00594	Hendry County Health Department	Labelle, FL	8,570
H76HA00615	Unconditional Love, Inc	Melbourne, FL	15,842
H76HA00103	Miami Beach Community Health Center	Miami Beach, FL	19,995
H76HA00095	University of Miami	Miami, FL	15,474
H76HA31744	Empower U, Incorporated	Miami, FL	10,994
H76HA00758	Borinquen Health Care Center, Inc	Miami, FL	16,487
H76HA24724	AIDS Healthcare Foundation	Orlando, FL	15,279
H76HA00603	Orange County Health Department	Orlando, FL	19,995
H76HA46006	AIDS Healthcare Foundation	Palm Beach, FL	5,000
H76HA00786	MCR Health, Inc	Palmetto, FL	13,501
H76HA31748	PanCare of Florida, Inc	Panama City, FL	8,542
H76HA46007	AIDS Healthcare Foundation	Pinellas, FL	5,000
H76HA46010	Can Community Health, Inc	Sarasota, FL	5,000
H76HA00622	St. Johns County Health Department	St. Augustine, FL	6,868
H76HA28472	Neighborhood Medical Center, Inc	Tallahassee, FL	8,922
H76HA00083	Albany Area Primary Health Care, Inc	Albany, GA	19,995
H76HA00720	Clarke County Board of Health	Athens, GA	14,702
H76HA00090	St. Joseph's Mercy Care Services	Atlanta, GA	11,154
H76HA07848	Emory University	Atlanta, GA	14,565
H76HA28471	AID Atlanta, Inc	Atlanta, GA	19,995
H76HA00101	Augusta University	Augusta, GA	19,995
H76HA00582	Columbus Department of Public Health	Columbus, GA	16,901
H76HA01708	North Georgia Health District/Cherokee County Board of Health.	Dalton, GA	8,625
H76HA00760	DeKalb County Board of Health	Decatur, GA	11,093
H76HA24734	Laurens County Board of Health	Dublin, GA	11,361
H76HA00799	Positive Impact Health Centers, Inc	Duluth, GA	12,565
H76HA45490	Positive Impact Health Centers, Inc	Duluth, GA	7,430
H76HA24729	Hall County Board of Health	Gainesville, GA	10,254
H76HA24726	Clayton County Board of Health	Jonesboro, GA	9,647
H76HA26646	County Houston	Macon, GA	19,995
H76HA00806	Floyd County Board of Health	Rome, GA	9,958
H76HA00089	Chatham County Board of Health	Savannah, GA	19,995
H76HA00599	Lowndes County Board of Health	Valdosta, GA	16,367
H76HA00100	Ware County Health Department	Waycross, GA	18,196
H76HA00642	Waikiki Health Center	Honolulu, HI	17,061
H76HA26213	Genesis Health System	Davenport, IA	11,992
H76HA00209	University of Iowa	Iowa City, IA	15,285
H76HA00188	Siouxland Community Health Center	Sioux City, IA	0
H76HA00141	Primary Health Care, Inc	Urbandale, IA	15,521

TABLE 1—RECIPIENTS AND ESTIMATED AWARD AMOUNTS—Continued

Grant No.	Award recipient name	City, state	Estimated award amount
H76HA00205	Full Circle Health, Inc	Boise, ID	15,293
H76HA24732	Idaho State University	Pocatello, ID	9,421
H76HA00113	Heartland Alliance Health	Chicago, IL	12,874
H76HA00550	Access Community Health Network	Chicago, IL	10,035
H76HA00107	Hektoen Institute for Medical Research	Chicago, IL	19,995
H76HA00757	Near North Health Service Corporation	Chicago, IL	6,996
H76HA00685	Christian Community Health Center	Chicago, IL	8,199
H76HA00519	University of Illinois at Peoria	Chicago, IL	15,218
H76HA00184	Howard Brown Health Center	Chicago, IL	19,995
H76HA00699	Lawndale Christian Health Center	Chicago, IL	8,249
H76HA00183	Erie Family Health Center, Inc	Chicago, IL	10,530
H76HA00686	University of Illinois at Chicago	Chicago, IL	13,124
H76HA45495	Greater Family Health	Elgin, IL	5,996
H76HA00109	Crusaders Central Clinic Association	Rockford, IL	11,865
H76HA00579	Southern Illinois Healthcare Foundation	Sauget, IL	10,269
H76HA31749	Community Healthnet, Inc	Gary, IN	7,114
H76HA45371	The Damien Center, Inc	Indianapolis, IN	13,259
H76HA49237	AIDS Ministries AIDS Assist of Indiana, Inc	South Bend, IN	5,000
H76HA00142	UKSM-W Medical Practice Assoc.	Wichita, KS	17,393
H76HA49240	Matthew 25 AIDS Services, Inc	Henderson, KY	5,000
H76HA00708	Matthew 25 AIDS Services, Inc	Henderson, KY	14,426
H76HA00719	University of Kentucky Research Foundation	Lexington, KY	16,876
H76HA00536	University of Louisville Research Foundation	Louisville, KY	19,285
H76HA00208	Livwell Community Health Services, Inc	Paducah, KY	12,624
H76HA00817	Capitol City Family Health Center, Inc	Baton Rouge, LA	9,090
H76HA26765	Our Lady of The Lake Hospital, Inc	Baton Rouge, LA	12,363
H76HA49241	Start Corp	Houma, LA	5,000
H76HA46005	Acadiana Cares, Inc	Lafayette, LA	5,000
H76HA26854	Southwest Louisiana AIDS Council	Lake Charles, LA	13,493
H76HA26800	University Medical Center Management Corporation	New Orleans, LA	13,560
H76HA31750	New Orleans AIDS Task Force	New Orleans, LA	6,512
H76HA12908	NO/AIDS Task Force	New Orleans, LA	8,289
H76HA00721	Tulane University Health Sciences Center	New Orleans, LA	14,185
H76HA00679	Louisiana State University HSC	Shreveport, LA	14,480
H76HA00696	Greater Ouachita Coalition Providing AIDS Resources	West Monroe, LA	12,606
H76HA00015	Fenway Community Health Center, Inc	Boston, MA	12,245
H76HA00020	East Boston Neighborhood Health Center	Boston, MA	7,245
H76HA00707	Boston Health Care for The Homeless, Inc	Boston, MA	9,100
H76HA00755	Brockton Neighborhood Health Center	Brockton, MA	6,812
H76HA00520	Cambridge Health Alliance	Cambridge, MA	9,391
H76HA00016	Harbor Health Services, Inc	Dorchester, MA	7,162
H76HA00201	Holyoke Health Center, Inc	Holyoke, MA	17,855
H76HA00764	Cape Cod Hospital	Hyannis, MA	8,808
H76HA00008	Greater Lawrence Family Health Center, Inc	Lawrence, MA	8,776
H76HA00768	Lynn Community Health, Inc	Lynn, MA	6,808
H76HA00013	Greater New Bedford Community Health Center	New Bedford, MA	8,539
H76HA00629	Beth Israel Deaconess Hospital-Plymouth, Inc	Plymouth, MA	6,217
H76HA00012	Dimock Community Health Center, Inc	Roxbury, MA	6,303
H76HA00019	Family Health Center of Worcester, Inc	Worcester, MA	9,082
H76HA00689	Univ. of Mass. Medical School	Worcester, MA	11,626
H76HA00080	Chase Brexton Health Services	Baltimore, MD	14,251
H76HA00609	Total Health Care, Inc	Baltimore, MD	8,752
H76HA28436	The Johns Hopkins University	Baltimore, MD	9,313
H76HA45496	Daydream Sunshine Initiative Corporation	Bowie, MD	6,247
H76HA00702	Medstar Research Institute	Hyattsville, MD	11,575
H76HA24741	MaineGeneral Medical Center	Augusta, ME	9,149
H76HA00729	Regional Medical Center at Lubec	Lubec, ME	8,826
H76HA30726	Portland Community Health Center	Portland, ME	9,408
H76HA00182	The Regents of The University of Michigan	Ann Arbor, MI	12,947
H76HA00117	Detroit Community Health Connection	Detroit, MI	6,913
H76HA00105	Wayne State University	Detroit, MI	14,459
H76HA00110	Trinity Health, Michigan dba Mercy Health Saint Mary's	Grand Rapids, MI	17,177
H76HA49239	County of Ingham	Lansing, MI	5,000
H76HA33060	Hennepin Healthcare System, Inc	Minneapolis, MN	13,552
H76HA00140	Kansas City Care Clinic	Kansas City, MO	14,340
H76HA07849	Washington University	Saint Louis, MO	15,205
H76HA00138	AIDS Project of The Ozarks	Springfield, MO	15,716
H76HA00527	Coastal Family Health Center, Inc	Biloxi, MS	14,292
H76HA00804	G.A. Carmichael Family Health Care Clinic	Canton, MS	8,363
H76HA25701	Aaron E. Henry Community Health Services Center, Inc	Clarksdale, MS	7,390

TABLE 1—RECIPIENTS AND ESTIMATED AWARD AMOUNTS—Continued

Grant No.	Award recipient name	City, state	Estimated award amount
H76HA12910	Delta Regional Medical Center	Greenville, MS	10,459
H76HA00665	Southeast Mississippi RHI, Inc	Hattiesburg, MS	17,716
H76HA00712	University of Mississippi Medical Center	Jackson, MS	19,995
H76HA00145	Yellowstone City & County Health Department D/B/A Riverstone Health.	Billings, MT	10,200
H76HA00798	Missoula City/County Health Department/Partnership Health Center.	Missoula, MT	9,725
H76HA00102	Western NC Community Health Services	Asheville, NC	18,097
H76HA08949	University of North Carolina At Chapel Hill	Chapel Hill, NC	19,995
H76HA45494	CW Williams Community Health Center, Inc	Charlotte, NC	6,971
H76HA00093	Lincoln Community Health Center, Inc	Durham, NC	15,405
H76HA31752	East Carolina University	Greenville, NC	7,198
H76HA07485	East Carolina University	Greenville, NC	12,797
H76HA26853	Warren-Vance Community Health Center, Inc	Henderson, NC	10,791
H76HA00793	Catawba Valley Medical Center	Hickory, NC	12,701
H76HA00547	Tri-County Community Health	Newton Grove, NC	14,569
H76HA00816	Robeson Health Care Corporation	Pembroke, NC	10,786
H76HA01720	Wake County Department of Health	Raleigh, NC	19,995
H76HA00682	Carolina Family Health Centers, Inc	Wilson, NC	15,209
H76HA01702	Wake Forest University Health Sciences	Winston Salem, NC	19,995
H76HA45377	Novant Health, Inc	Winston Salem, NC	19,521
H76HA00586	Chadron Community Hospital	Chadron, NE	6,978
H76HA00529	Board of Regents/University of Nebraska Medical Center ..	Omaha, NE	15,735
H76HA31654	Mary Hitchcock Memorial Hospital	Lebanon, NH	12,996
H76HA00783	Visiting Nurse Association of Central Jersey Community Health Center, Inc.	Asbury Park, NJ	8,739
H76HA01727	The Cooper Health System	Cherry Hill, NJ	13,806
H76HA24737	Zufall Health Center, Inc	Dover, NJ	7,888
H76HA26551	Carepoint Health Foundation, Inc	Hoboken, NJ	11,781
H76HA49855	Rutgers, The State University of New Jersey	Newark, NJ	4,518
H76HA00054	Newark Community Health Centers, Inc	Newark, NJ	8,535
H76HA00064	St. Joseph's Hospital & Medical Center	Paterson, NJ	13,340
H76HA49549	Rutgers, The State University of New Jersey	Piscataway, NJ	9,282
H76HA00613	Neighborhood Health Services Corporation	Plainfield, NJ	7,817
H76HA49246	Henry J. Austin Health Center	Trenton, NJ	7,875
H76HA00130	University of New Mexico	Albuquerque, NM	17,038
H76HA00612	Southwest C.A.R.E. Center	Santa Fe, NM	16,139
H76HA00166	University Medical Center of Southern Nevada	Las Vegas, NV	13,016
H76HA00511	Northern Nevada H.O.P.E.S.	Reno, NV	15,441
H76HA00041	The Research Foundation of State University of New York ..	Albany, NY	13,678
H76HA00060	Albany Medical College	Albany, NY	18,441
H76HA00032	Whitney M. Young, Jr. Community Health Center	Albany, NY	11,810
H76HA00056	Joseph P. Addabbo Family Health Center	Arverne, NY	8,879
H76HA29429	La Casa De Salud, Inc	Bronx, NY	7,699
H76HA00746	Promesa, Inc	Bronx, NY	5,358
H76HA00045	Montefiore Medical Center	Bronx, NY	15,124
H76HA00061	Morris Heights Health Center	Bronx, NY	9,300
H76HA00521	Bronx Community Health Network, Inc	Bronx, NY	14,052
H76HA00058	BronxCare Health System	Bronx, NY	13,652
H76HA00172	The Brooklyn Hospital Center	Brooklyn, NY	13,128
H76HA31533	New York City Health and Hospitals Corporation	Brooklyn, NY	11,296
H76HA30724	Sunset Park Health Council, Inc	Brooklyn, NY	9,670
H76HA00173	Brooklyn Plaza Medical Center, Inc	Brooklyn, NY	7,710
H76HA45372	EHS, Inc	Buffalo, NY	14,296
H76HA00066	Elmhurst Hospital Center/NYC Health & Hospital Corp	Elmhurst, NY	17,754
H76HA00496	St Luke's-Roosevelt Hospital Center	New York, NY	12,041
H76HA00024	William F. Ryan Community Health Center, Inc	New York, NY	12,871
H76HA00049	Community Healthcare Network	New York, NY	14,381
H76HA00043	New York University School of Medicine	New York, NY	11,673
H76HA00034	New York City Health & Hospitals Corp	New York, NY	9,752
H76HA21502	The Institute For Family Health	New York, NY	10,636
H76HA00759	Asian Pacific Islander Coalition On HIV/AIDS	New York, NY	14,409
H76HA19279	Mt. Sinai Hospital	New York, NY	13,190
H76HA00636	Community Health Project, Inc	New York, NY	19,995
H76HA00645	Project Renewal, Inc	New York, NY	5,000
H76HA00028	Open Door Family Medical Center, Inc	Ossining, NY	6,973
H76HA00029	Hudson River Health Care	Peekskill, NY	10,145
H76HA31534	Hudson River Healthcare, Inc	Peekskill, NY	3,565
H76HA00738	Hudson Headwaters Health Network	Queensbury, NY	8,094
H76HA02462	Trillium Health, Inc, dba AIDS Care & Pleasant Street Apothecary.	Rochester, NY	15,340

TABLE 1—RECIPIENTS AND ESTIMATED AWARD AMOUNTS—Continued

Grant No.	Award recipient name	City, state	Estimated award amount
H76HA00779	St. Johns Riverside Hospital	Yonkers, NY	9,264
H76HA01717	Ursuline Center	Canfield, OH	12,550
H76HA00111	Cincinnati Health Network, Inc	Cincinnati, OH	18,457
H76HA45497	Neighborhood Health Care, Inc	Cleveland, OH	5,000
H76HA00608	University Hospitals of Cleveland	Cleveland, OH	12,832
H76HA31535	Equitas Health, Inc	Columbus, OH	4,318
H76HA00531	Equitas Health, Inc	Columbus, OH	10,076
H76HA24736	Research Institute At Nationwide Children's Hospital	Columbus, OH	11,691
H76HA00732	University of Toledo Health Science Campus	Toledo, OH	16,852
H76HA00185	University of Oklahoma Health Sciences Center	Oklahoma City, OK	19,995
H76HA00187	Oklahoma State University	Tulsa, OK	19,026
H76HA00197	Multnomah County Health Department	Portland, OR	12,584
H76HA00078	Lehigh Valley Hospital, Inc	Allentown, PA	0
H76HA26804	St Luke's Hospital	Bethlehem, PA	11,328
H76HA48995	Pennsylvania Western University	California, PA	10,419
H76HA00668	Keystone Rural Health Center	Chambersburg, PA	8,601
H76HA00565	AIDS Care Group	Chester, PA	15,261
H76HA46012	Geisinger Clinic	Danville, PA	5,000
H76HA00715	Community Health Net	Erie, PA	7,056
H76HA00617	Pinnacle Health Medical Services	Harrisburg, PA	14,913
H76HA31655	Pinnacle Health System	Harrisburg, PA	8,360
H76HA00627	The Pennsylvania State University	Hershey, PA	14,515
H76HA00556	Lancaster General Hospital	Lancaster, PA	14,065
H76HA00070	Greater Philadelphia Health Action, Inc	Philadelphia, PA	8,511
H76HA00725	Esperanza Health Center	Philadelphia, PA	7,986
H76HA31531	Drexel University	Philadelphia, PA	14,133
H76HA00077	Philadelphia Public Health Department	Philadelphia, PA	14,537
H76HA00553	Philadelphia Fight	Philadelphia, PA	13,946
H76HA00631	Albert Einstein Medical Center	Philadelphia, PA	13,058
H76HA25775	UPMC Presbyterian Shadyside	Pittsburgh, PA	17,602
H76HA00808	Allegheny-Singer Research Institute	Pittsburgh, PA	15,484
H76HA12732	The Reading Hospital and Medical Center	Reading, PA	11,064
H76HA28747	The Wright Center Medical Group, P.C.	Scranton, PA	12,651
H76HA00072	Family First Health Corporation	York, PA	13,260
H76HA00533	Centro De Salud Familiar (PALMIERI)	Arroyo, PR	8,276
H76HA00063	Municipality of Bayamon	Bayamon, PR	9,605
H76HA00067	Neomed Center, Inc	Gurabo, PR	9,668
H76HA45489	Healthcare Integrated Program Services, Inc	Humacao, PR	10,660
H76HA00052	Centro De Salud De Lares, Inc	Lares, PR	11,300
H76HA00676	Concilio De Salud Integral De Loiza, Inc	Loiza, PR	5,703
H76HA00068	Migrant Health Center, Western Region, Inc	Mayaguez, PR	10,436
H76HA00037	Med Centro, Inc	Ponce, PR	10,309
H76HA46014	Med Centro, Inc	Ponce, PR	5,000
H76HA26894	Centro Ararat, Inc	Ponce, PR	18,746
H76HA00047	Puerto Rico Community Network for Clinical Services, Research and Health Advancement, Inc.	San Juan, PR	13,016
H76HA00018	The Miriam Hospital	Providence, RI	16,896
H76HA00704	Thundermist Health Center	Woonsocket, RI	9,870
H76HA31742	Roper St. Francis Healthcare	Charleston, SC	16,185
H76HA24740	Eau Claire Cooperative Health Center	Columbia, SC	13,571
H76HA00584	Low Country Health Care System, Inc	Fairfax, SC	6,789
H76HA31753	Low Country Health Care System, Inc	Fairfax, SC	2,028
H76HA00789	HopeHealth, Inc	Florence, SC	19,015
H76HA00542	New Horizon Family Health Services, Inc	Greenville, SC	19,703
H76HA00713	CareSouth Carolina, Inc	Hartsville, SC	10,000
H76HA00813	Sandhills Medical Foundation, Inc	Jefferson, SC	10,186
H76HA24735	Little River Medical Center, Inc	Little River, SC	11,709
H76HA00206	Beaufort-Jasper Comprehensive Health Services, Inc	Ridgeland, SC	12,194
H76HA00724	Affinity Health Center	Rock Hill, SC	12,854
H76HA00818	Spartanburg Regional Health Services District, Inc	Spartanburg, SC	15,955
H76HA00752	City of Sioux Falls Health Department	Sioux Falls, SD	7,850
H76HA00814	Chattanooga C.A.R.E.S.	Chattanooga, TN	16,934
H76HA46011	East Tennessee State University	Johnson City, TN	5,000
H76HA00568	Regional One Health	Memphis, TN	14,729
H76HA30761	Vanderbilt University Medical Center	Nashville, TN	16,330
H76HA01706	Meharry Medical College	Nashville, TN	10,245
H76HA00127	Austin/Travis City Health and Human Services Department	Austin, TX	18,632
H76HA49238	Coastal Bend Wellness Foundation, Inc	Corpus Christi, TX	5,000
H76HA00119	Dallas County Hospital District	Dallas, TX	19,995
H76HA01710	AIDS Arms, Inc	Dallas, TX	19,995
H76HA00122	Centro De Salud Familiar La Fe	El Paso, TX	18,121

TABLE 1—RECIPIENTS AND ESTIMATED AWARD AMOUNTS—Continued

Grant No.	Award recipient name	City, state	Estimated award amount
H76HA00123	Tarrant County Health Department	Fort Worth, TX	6,304
H76HA00131	Valley AIDS Council	Harlingen, TX	19,995
H76HA00684	Houston Regional HIV/AIDS Resource Group, Inc	Houston, TX	19,995
H76HA00128	Harris County Hospital District	Houston, TX	19,995
H76HA31754	City of Laredo	Laredo, TX	11,100
H76HA01705	Special Health Resources for Texas, Inc	Longview, TX	19,995
H76HA00124	El Centro Del Barrio, Inc	San Antonio, TX	14,746
H76HA00470	University of Utah	Salt Lake Cty, UT	19,995
H76HA04385	University of Virginia	Charlottesville, VA	15,463
H76HA00583	Mary Washington Hosp/Medicorp Health System	Fredericksbrg, VA	8,629
H76HA31743	Community Access Network, Inc	Lynchburg, VA	11,440
H76HA24728	Eastern Virginia Medical School	Norfolk, VA	15,166
H76HA00555	Virginia Commonwealth University	Richmond, VA	19,870
H76HA07357	Carilion Medical Center	Roanoke, VA	11,936
H76HA00177	Inova Health Care Services	Springfield, VA	15,470
H76HA17151	Frederiksted Health Care, Inc	St Croix, VI	7,508
H76HA00203	The University of Vermont Medical Center, Inc	Burlington, VT	12,730
H76HA00518	Country Doctor Community Clinic	Seattle, WA	9,275
H76HA00198	Harbor View Medical Center	Seattle, WA	12,982
H76HA00204	University of Wisconsin-Madison	Madison, WI	16,415
H76HA00115	Milwaukee Health Services, Inc	Milwaukee, WI	10,481
H76HA00621	AIDS Resource Center of Wisconsin	Milwaukee, WI	19,995
H76HA00773	Sixteenth Street Community Health Centers, Inc	Milwaukee, WI	11,140
H76HA00762	CAMC Health Ed & Research Institute	Charleston, WV	12,463
H76HA01719	West Virginia University	Morgantown, WV	10,543
H76HA15322	Wyoming Department of Health	Cheyenne, WY	9,403

Justification: Since FY 2018, HRSA determines funding levels for the RWHAP Part C EIS program using a methodology based on several objective factors (e.g., number of clients served) to generate a ceiling amount for each geographic service area for which applicants compete. In FY 2023, relinquishments, award reductions, and closeouts occurred among program recipients. As a result, HRSA is expediting the allocation of supplemental funds to RWHAP Part C EIS recipients.

Carole Johnson,
Administrator.

[FR Doc. 2024-02288 Filed 2-5-24; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-0990-0330]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before April 8, 2024.

ADDRESSES: Submit your comments to Sherrette.Funn@hhs.gov or by calling (202) 264-0041 and PRA@HHS.GOV.

FOR FURTHER INFORMATION CONTACT:

When submitting comments or requesting information, please include the document identifier 0990-0330-60D and project title for reference, to Sherrette A. Funn, email: Sherrette.Funn@hhs.gov, PRA@HHS.GOV or call (202) 264-0041 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Appellant Climate Survey.

Type of Collection: Revision.

OMB No. 0990-0330, HHS, OS, Office of Medicare Hearings and Appeals.

Abstract:

The Department of Health and Human Services under the Office of Medicare

Hearings and Appeals is doing the annual OMHA Appellant Climate Survey. This is a survey of Medicare beneficiaries, providers, suppliers, or their representatives who participated in a hearing before an Administrative Law Judge (ALJ) from OMHA. Appellants dissatisfied with the outcome of their Level 2 Medicare appeal may request a hearing before an OMHA ALJ. The Appellant Climate Survey will be used to measure appellant satisfaction with their OMHA appeals experience, as opposed to their satisfaction with a specific ruling. OMHA was established by the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 (Pub. L. 108-173) and became operational on July 1, 2005. The MMA legislation also directed HHS to consider the feasibility of conducting hearings using telephone or video-conference (VTC) technologies. In carrying out this mandate, OMHA makes use of both telephone and VTC to provide appellants with a vast nationwide network of Field Offices for hearings. The first 3-year administration cycle of the OMHA survey began in fiscal year (FY) 2008, a second 3-year cycle began in FY 2011, a third 3-year cycle began in FY 2014, a fourth 3-year cycle began in FY 2018, and a fifth 3-year cycle began in FY 2021. The survey will continue to be conducted annually over a 3-year period with the next data collection cycle beginning in FY 2024.

The survey instrument includes several changes from the prior 3-year cycle:

Added a new section, "Request for Hearing." The section focuses on how customers requested a hearing, how satisfied they were with the method they used to request a hearing, and about the clarity of form OMHA-100 (Request for ALJ Hearing or Review of Dismissal).

Changed "Hard Copy, internet and Phone Information" section to "Communications and Web Tools" section.

Added a brief statement about when customers should have received the "Notice of Nondiscrimination" document.

Added two satisfaction questions for appellants who used the e-Appeal Portal—one about updates the portal provides on their appeal and another about using the portal for uploading documents electronically.

Changed "Telephone Hearing" section to "Hearing." The appellant is asked what type of hearing they had (telephone or video) and satisfaction with using that method. If they attended a telephone hearing, appellants will be asked whether they were offered the option of a video hearing; if not, they will be asked if they would have participated in a video hearing if offered.

Data collection instruments and recruitment materials will be offered in

English and Spanish. The estimated total number of respondents across all 3 years is 2,400 (800 respondents each FY for FY 2024, FY 2025, and FY2026). The estimated total annual burden hours expected across all years is 600 hours (200 hours each FY for FY 2024, FY 2025, and FY 2026).

The survey will be conducted annually, and survey respondents will consist of Medicare beneficiaries and non-beneficiaries (*i.e.*, providers, suppliers) who participated in a hearing before an OMHA ALJ. OMHA will draw a representative, nonredundant sample of appellants whose cases had been closed in the first 6 months of the surveyed fiscal year.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
	Beneficiaries	400	1	15/60	100
	Non-Beneficiaries	400	1	15/60	100
Total .....	.....	800	1	.....	200

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2024-02397 Filed 2-5-24; 8:45 am]

BILLING CODE 4150-46-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; PAR-23-122: Research With Activities Related to Diversity (REWARD).

Date: March 1, 2024.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jessica Bellinger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, (301) 827-4446, bellingerjd@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Learning, Memory, Language, Communication and Related Neuroscience.

Date: March 4-5, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Eileen Marie Moore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-8928, eileen.moore@nih.gov.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Biochemical and Cellular Oncogenesis Study Section.

Date: March 4-5, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jian Cao, M.D., Scientific Review Officer, Center for Scientific Review,

National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-5902, caojn@csr.nih.gov.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Viral Pathogenesis and Immunity Study Section.

Date: March 4-5, 2024.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Hybrid Meeting).

Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435-1742, kaushikbasun@csr.nih.gov.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Translational Immuno-oncology Study Section.

Date: March 4-5, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maria Elena Cardenas-Corona, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-867-5309, maria.cardenas-corona@nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Motor Function, Speech and Rehabilitation Study Section.

Date: March 4–5, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Stephanie Nagle Emmens, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–6604, nagleemmensc@csr.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Maximizing Investigators' Research Award—E Study Section.

Date: March 5–6, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Hybrid Meeting).

Contact Person: Vandana Kumari, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–3290, vandana.kumari@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: March 5–6, 2024.

Time: 8:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301–435–2902, gubina@csr.nih.gov.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Cardiovascular and Respiratory Diseases Study Section.

Date: March 5–6, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mohammed F A Elfaramawi, M.D., Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007F, Bethesda, MD 20892, (301) 480–1142, elfaramawimf@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Health Services Research: Topics in Aging, Cancer, Maternal and Child Health, and Substance Abuse.

Date: March 5–6, 2024.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Debasmita Patra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1006E, Bethesda, MD 20892, (301) 827–5187, debasmita.patra@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Clinical Care and Health Interventions (Overflow).

Date: March 5, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, jacinta.bronte-tinkew@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Neurodevelopment, Oxidative Stress, and Synaptic Plasticity Fellowship Study Section.

Date: March 5–7, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Robert C Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892, 301–435–3009, elliottro@csr.nih.gov.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Bacterial-Host Interactions Study Section.

Date: March 6–7, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Uma Basavanna, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–1398, uma.basavanna@nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Services: Quality and Effectiveness Study Section.

Date: March 6–7, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Angela D Thrasher, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000J, Bethesda, MD 20892, (301) 480–6894, thrasherad@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–

22–028: The Intersection of Sex and Gender Influences on Health and Disease.

Date: March 6–7, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Heidi B Friedman, Ph.D., Senior Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 907–H, Bethesda, MD 20892, (301) 379–5632, hfriedman@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–23–214: COVID–19 and Brain Health.

Date: March 6, 2024.

Time: 2:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aleksey Gregory Kazantsev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5201, Bethesda, MD 20892, (301) 435–1042, aleksey.kazantsev@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: January 31, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–02265 Filed 2–5–24; 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 2024–1 Phase I: Development of Long-Acting Treatments for HCV Cure (Topic 125).

Date: March 1, 2024.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Samita S. Andreansky, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, MSC 9834, Rockville, MD 20852, 240–669–2915, samita.andreansky@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: February 1, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–02346 Filed 2–5–24; 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; Fellowships: Sensory and Motor Neurosciences, Cognition and Perception.

Date: March 6–7, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: John N Stabley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–0566, stableyjn@csr.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Drug Discovery and Molecular Pharmacology B Study Section.

Date: March 7–8, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Razvan Cornea, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 904L, Bethesda, MD 20892, (301) 480–1955, cornearl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Brain Imaging, Vision, Bioengineering and Low Vision Technology Development.

Date: March 7–8, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Susan Gillmor, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 762–3076, susan.gillmor@nih.gov.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Molecular and Cellular Biology of Virus Infection Study Section.

Date: March 7–8, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW Washington, DC 20015.

Contact Person: Kenneth M Izumi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, MSC 7808, Bethesda, MD 20892, (301) 496–6980, izumikm@csr.nih.gov.

Name of Committee: Vascular and Hematology Integrated Review Group; Basic Biology of Blood, Heart and Vasculature Study Section.

Date: March 7–8, 2024.

Time: 8:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Alexandria, 400 Courthouse Square, Alexandria, VA 22314.

Contact Person: Aisha Lanette Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3527, aisha.walker@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Behavioral Neuroscience.

Date: March 7–8, 2024.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Bethesda Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Simone Chebabo Weiner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011K, Bethesda, MD 20892, (301) 435–1042, weinersc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Nephrology & Urology.

Date: March 7, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Stacey Nicole Williams, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, stacey.williams@nih.gov.

Name of Committee: Biology of Development and Aging Integrated Review Group; Drug Discovery and Molecular Pharmacology C Study Section Drug Discovery and Molecular Pharmacology.

Date: March 7–8, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, (301) 272–4596, smileyja@csr.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.

Date: March 7–8, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Thomas Zeyda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–6921, thomas.zeyda@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Clinical Care and Health Interventions.

Date: March 7–8, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164,

MSC 7770 Bethesda, MD 20892, (301) 806–0009, Jacinta.bronte-tinkew@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Endocrine and Metabolic Systems Fellowship.

Date: March 7, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anthony Wing Sang Chan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 809K, Bethesda, MD 20892, (301) 496–9392, chana3@csr.nih.gov.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Cellular and Molecular Immunology—A Study Section.

Date: March 7–8, 2024.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Velasco Cimica, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–1760, velasco.cimica@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Brain Disorders and Related Neurosciences.

Date: March 7–8, 2024.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Vilen A Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, movsesyanv@csr.nih.gov.

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Anti-Infective Resistance and Targets Study Section.

Date: March 7–8, 2024.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jui Pandhare, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–7735, pandharej2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Innovative Research in Cancer Nanotechnology.

Date: March 7–8, 2024.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Raj K. Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, MSC 7804, Bethesda, MD 20892, (301) 435–1047, krishna@csr.nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.

Date: March 7–8, 2024.

Time: 9:30 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Zachary Stephen Bailey, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–4691, zach.bailey@nih.gov.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Analytics and Statistics for Population Research Panel A Study Section.

Date: March 7–8, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Hybrid Meeting).

Contact Person: Victoriya Volkova, Ph.D., DVM, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594–7781, volkovav2@csr.nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Motivated Behavior Study Section.

Date: March 7–8, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Janita N Turchi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–4005, turchij@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA: Role of Environmental Stress in the Health Inequities of Alzheimer's Disease-Related Dementias.

Date: March 7, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ashley Marie Kopec, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–9293, kopecam@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Social and Community Influences Across the Lifecourse.

Date: March 7, 2024.

Time: 12:00 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Suzanne Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435–1712, ryansj@csr.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: February 1, 2024.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–02352 Filed 2–5–24; 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 Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grants (R34 Clinical Trial Not Allowed) and Investigator Initiated Extended Clinical Trial (R01 Clinical Trial Required).

Date: March 14, 2024.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of

Health, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Tara Capece, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, MSC 9823, Rockville, MD 20852, 240–191–4281, capecet2@niaid.nih.gov.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grants (R34 Clinical Trial Not Allowed).

Date: March 21, 2024.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Tara Capece, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, MSC 9823, Rockville, MD 20852, 240–191–4281, capecet2@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 1, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–02347 Filed 2–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special

Emphasis Panel; NIAID SBIR Phase II Clinical Trial Implementation Cooperative Agreement (U44 Clinical Trial Required), Clinical Trial Planning Grant (R34 Clinical Trial Not Allowed), Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial).

Date: March 6, 2024.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Annie Walker-Abbey, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, MSC 9834, Rockville, MD 20852, 240–627–3390, aabbey@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 1, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–02345 Filed 2–5–24; 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/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/contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP–7: SBIR Contract Review Meeting.

Date: February 15, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room

7W236, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Shuli Xia, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W236, Rockville, Maryland 20850, 240–276–5256, shuli.xia@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–8: NCI Clinical and Translational Cancer Research.

Date: February 29, 2024.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W110, Rockville, Maryland 20850 (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; R13 Conference Grant Review.

Date: March 6, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W552, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Xiaozhong Alex Bao, Ph.D., Scientific Review Officer, Program Coordination and Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W552, Rockville, Maryland 20850, 240–276–5070, Baoox@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Advancing Cancer Control Equity Research (U19).

Date: March 13–14, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W124, Rockville, Maryland 20850, (Virtual Meeting).

Contact Person: Eun Ah Cho, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W124, Rockville, Maryland 20850, 240–276–6342, choe@mail.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: January 31, 2024.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-02268 Filed 2-5-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Nursing Home Clinical Trials Network.

Date: March 4, 2024.

Time: 2:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Janetta Lun, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg., Suite 2N213, (301) 496-9666, janetta.lun@nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 31, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-02327 Filed 2-5-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required); Investigator Initiated Extended Clinical Trial (R01 Clinical Trial Required).

Date: March 6, 2024.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Soheyla Saadi, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, MSC-9823, Rockville, MD 20892, (240) 669-5178, saadisoh@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 1, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-02348 Filed 2-5-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; HIGH IMPACT NIDDK APPLICATIONS RC2.

Date: March 21, 2024.

Time: 1:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-4721, ryan.morris@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 31, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-02326 Filed 2-5-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Molecular Atlas of Lung Development (LungMAP) Program.

Date: March 1, 2024.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 209-B, Bethesda, MD 20892, (301) 827-7953, kristen.page@nih.gov.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Early Phase Clinical Trials (R61/R33).

Date: March 1, 2024.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manoj K. Valiyaveetil, Ph.D., Scientific Review Officer, Blood & Vascular Branch, Office Scientific Review, Division of Extramural Research Activities (DERA), National Institute of Health, National Heart, Lung, and Blood Institute, Bethesda, MD 20817, (301) 402-1616, manoj.valiyaveetil@nih.gov.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI TOPMed: Omics Phenotypes of Heart, Lung, and Blood Disorders (X01).

Date: March 6, 2024.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Susan Wohler Sunnarborg, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208-Z, Bethesda, MD 20892, (301) 827-7987, susan.sunnarborg@nih.gov.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Molecular Phenotypes of Asthma Exacerbation in Children.

Date: March 7, 2024.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: YingYing Li-Smerin, M.D., Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 207-P, Bethesda, MD 20892-7924, (301) 827-7942, lismerein@nhlbi.nih.gov.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Mentored Career Development Award to Promote Faculty Research Diversity.

Date: March 8, 2024.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shelley Sehnert, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 208-T, Bethesda, MD 20817, (301) 827-7984, ssehnert@nhlbi.nih.gov.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; The Blood and Marrow Transplant Clinical Trials Network—Core Clinical Centers (UG1) Review Panel.

Date: March 11, 2024.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kazuyo Kegan, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208-T, Bethesda, MD 20892, (301) 402-1334, kazuyo.kegan@nih.gov.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; The Blood and Marrow Transplant Clinical Trials Network Data Coordinating Center (U24) Review Panel.

Date: March 12, 2024.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kazuyo Kegan, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208-T, Bethesda, MD 20892, (301) 402-1334, kazuyo.kegan@nih.gov.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Catalyze Product Definition (R61/R33).

Date: March 13, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manoj K. Valiyaveetil, Ph.D., Scientific Review Officer, Blood & Vascular Branch, Office Scientific Review, Division of Extramural Research Activities (DERA), National Institute of Health, National Heart, Lung, and Blood Institute, Bethesda, MD 20817, (301) 402-1616, manoj.valiyaveetil@nih.gov.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Clinical Trials SEP (UG3, U24).

Date: March 14, 2024

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Zhihong Shan, Ph.D., M.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 205-J, Bethesda, MD 20892, (301) 827-7085, zhishong.shan@nih.gov.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Biorepository: Scientific Opportunities for Exploratory Research (R21).

Date: March 15, 2024.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sun Saret, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208-S, Bethesda, MD 20892, (301) 435-0270 sun.saret@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 1, 2024.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-02353 Filed 2-5-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4751-DR; Docket ID FEMA-2023-0001]

Tennessee; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4751–DR), dated December 13, 2023, and related determinations.

DATES: This amendment was issued December 28, 2023.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Tennessee is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of December 13, 2023.

Cheatham, Gibson, and Stewart Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–02374 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA–4752–DR; Docket ID FEMA–2024–0001]

Utah; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Utah (FEMA–4752–DR), dated December 23, 2023, and related determinations.

DATES: The declaration was issued December 23, 2023.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 23, 2023, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Utah resulting from flooding during the period of May 1 to May 27, 2023, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Utah.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jon K. Huss, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Utah have been designated as adversely affected by this major disaster:

Iron, Morgan, Sanpete, Utah, and Wasatch Counties for Public Assistance.

All areas within the State of Utah are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—

Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–02376 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA–4539–DR; Docket ID FEMA–2024–0001]

Washington; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4539–DR), dated April 23, 2020, and related determinations.

DATES: This change occurred on January 19, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lance E. Davis, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–02362 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4682–DR; Docket ID FEMA–2024–0001]

Washington; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4682–DR), dated January 12, 2023, and related determinations.

DATES: This change occurred on January 19, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lance E. Davis, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–02367 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0001]

Notice of Adjustment of Statewide Per Capita Indicator for Recommending a Cost Share Adjustment

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the statewide per capita indicator for recommending cost share adjustments for major disasters declared on or after January 1, 2024, through December 31, 2024 is \$179.

DATES: This notice applies to major disasters declared on or after January 1, 2024.

FOR FURTHER INFORMATION CONTACT: Tod Wells, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: Pursuant to 44 CFR 206.47, the statewide per capita indicator that is used to recommend an increase of the Federal cost share from seventy-five percent (75%) to not more than ninety percent (90%) of the eligible cost of permanent work under section 406 and emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act is adjusted annually. The adjustment to the indicator is based on the Consumer Price Index for All Urban Consumers published annually by the U.S. Department of Labor. For disasters declared on January 1, 2024, through December 31, 2024, the qualifying indicator is \$179 per capita of state or tribal population.

This adjustment is based on an increase of 3.4 percent in the Consumer Price Index for All Urban Consumers for the 12-month period that ended December 2023. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on January 11, 2024.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–02365 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4584–DR; Docket ID FEMA–2024–0001]

Washington; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4584–DR), dated February 4, 2021, and related determinations.

DATES: This change occurred on January 19, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lance E. Davis, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA);

97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–02373 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4749–DR; Docket ID FEMA–2023–0001]

Illinois; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Illinois (FEMA–4749–DR), dated November 20, 2023, and related determinations.

DATES: The declaration was issued November 20, 2023.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated November 20, 2023, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Illinois resulting from severe storms and flooding during the period of September 17 to September 18, 2023, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Illinois.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Waddy Gonzalez, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Illinois have been designated as adversely affected by this major disaster:

Cook County for Individual Assistance.

All areas within the State of Illinois are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–02364 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4635–DR; Docket ID FEMA–2024–0001]

Washington; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4635–DR), dated January 5, 2022, and related determinations.

DATES: This change occurred on January 19, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lance E. Davis, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–02375 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA–4650–
DR; Docket ID FEMA–2024–0001]

**Washington; Amendment No. 8 to
Notice of a Major Disaster Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4650–DR), dated March 29, 2022, and related determinations.

DATES: This change occurred on January 19, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lance E. Davis, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

*Administrator, Federal Emergency
Management Agency.*

[FR Doc. 2024–02363 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA–4652–
DR; Docket ID FEMA–2024–0001]

**New Mexico; Amendment No. 16 to
Notice of a Major Disaster Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–4652–DR), dated May 4, 2022, and related determinations.

DATES: This amendment was issued January 22, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New Mexico is hereby amended to include the Disaster Case Management program for the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 4, 2022.

Sandoval County for the Disaster Case Management program (already designated for Public Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

*Administrator, Federal Emergency
Management Agency.*

[FR Doc. 2024–02366 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA–3603–
EM; Docket ID FEMA–2024–0001]

**Virgin Islands; Amendment No. 1 to
Notice of an Emergency Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the territory of the U.S. Virgin Islands (FEMA–3603–DR), dated November 18, 2023, and related determinations.

DATES: This amendment was issued January 29, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 23, 2024.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

*Administrator, Federal Emergency
Management Agency.*

[FR Doc. 2024–02371 Filed 2–5–24; 8:45 am]

BILLING CODE 9111–23–P

**DEPARTMENT OF HOMELAND
SECURITY****Federal Emergency Management
Agency**

[Internal Agency Docket No. FEMA–4747–
DR; Docket ID FEMA–2023–0001]

**Kansas; Amendment No. 1 to Notice of
a Major Disaster Declaration**

AGENCY: Federal Emergency
Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA-4747-DR), dated October 26, 2023, and related determinations.

DATES: This amendment was issued December 19, 2023.

FOR FURTHER INFORMATION CONTACT:

Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Kansas is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 26, 2023.

Phillips County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024-02372 Filed 2-5-24; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7091-N-01]

60-Day Notice of Proposed Information Collection: OMB Control No.: 2577-0166

AGENCY: Office of Public and Indian Housing, 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 60 days of public comment.

DATES: *Comments Due Date:* April 8, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to OIRA_submission@omb.eop.gov or www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 60-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 can be sent to: Dawn Martin or Danielle Miller, Reports Management Officers, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410-5000; telephone (202) 402-6488 for Dawn or (202) 402-3689 for Danielle or email at Dawn.E.Martin@hud.gov or Danielle.L.Miller@hud.gov for a copy of the proposed forms or other available information.

FOR FURTHER INFORMATION CONTACT:

Dawn Martin or Danielle Miller, Reports Management Officers, Department of

Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Dawn Martin or Danielle Miller or telephone number (202) 402-6488 for Dawn or (202) 402-3689 for Danielle. 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 Dawn Martin or Danielle Miller.

SUPPLEMENTARY INFORMATION: 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: Grant Drawdown Payment Request.

OMB Approval Number: 2577-0166.

Type of Request: Extension of currently approved collection.

Form Number: HUD-27054E.

Description of the need for the information and proposed use: The Line of Credit Control System Request (LOCCS/eLOCCS) is authorized under Sections 102 & 103 of the HUD Reform Act of 1989. The act was enacted to ensure accountability, transparency, and a level playing field in the grants process at the Department. This information collection is necessary to request payment of grant funds or designate an appropriate official. This package provides a means for Grant recipients to receive payments. LOCCS is HUD's primary grant and subsidy disbursement system for the most of HUD programs. Organizations and individuals have access to these grants through an internet version of LOCCS called eLOCCS, where authorized Business Partners can access, manage, and drawdown grant funds.

Respondents: Public Housing Agencies, State or Local Governments.

Information collection	Number of respondents	Frequency of responses (drawdowns annually per program)	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Capital Fund 50080—CFP	2737	12	32,844.00	.25	8,211.00	\$25.96	\$213,157.56
Operating Fund 50080—OFND	2737	12	32,844.00	.25	8211	25.96	213,157.56
Public Housing Technical Assistance 50080—PHTA	12	12	144	.25	3	25.96	77.88
Hope VI 50080—URP ...	50	12	600	1	600	25.96	15,576

Information collection	Number of respondents	Frequency of responses (drawdowns annually per program)	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Resident Opportunities and Supportive Services (ROSS) SC 50080-SC	400	12	4,800.00	.25	1200	25.96	31,152
Family Self-Sufficiency 50080-FSS	850	12	10,200.00	.25	2,550.00	25.96	66,198.00
Jobs Plus	50	12	600	1	600	25.96	15,576.00
	6,836	.....	82,032	.....	21,375	.....	554,895.00

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.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Nicholas Bilka,

Chief, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2024-02297 Filed 2-5-24; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7080-N-07]

30-Day Notice of Proposed Information Collection: Evaluation of Cohort 1 of the Moving to Work Demonstration Program Expansion, OMB Control No.: 2528-0328

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:* March 7, 2024.

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 and comments should refer to the 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; email PaperworkReductionActOffice@hud.gov.

FOR FURTHER INFORMATION CONTACT:

Anna P. Guido, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email: PaperworkReductionActOffice@hud.gov. telephone (202)-402-5535.

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 November 16, 2023 at 88 FR 78774.

A. Overview of Information Collection

Title of Information Collection: Evaluation of Cohort 1 of the Moving to Work Demonstration Program Expansion.

OMB Approval Number: 2528-0328.

Type of Request: Revision of currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: The Office of Policy Development and Research (PD&R), at the U.S. Department of Housing and Urban Development (HUD), is proposing this collection of information for the *Evaluation of Cohort 1 of the Moving to Work Demonstration Program Expansion*.

Moving to Work (MTW) is a demonstration program that encourages public housing agencies (PHAs) to test ways to achieve three specific objectives: (1) increase the cost effectiveness of federal housing programs, (2) increase housing choice for low-income families, and/or (3) encourage greater self-sufficiency of households receiving housing assistance. MTW designation gives PHAs relief from many of the regulations and statutory provisions that apply to the public housing and Housing Choice Voucher (HCV) programs. MTW agencies can also merge their public housing and HCV funds into a single block grant and use these funds (if desired) for local activities outside of the typical public housing

and HCV programs, such as providing supportive services or developing housing for populations with special needs. In 2016, Congress authorized HUD to expand the MTW program by 100 high performing PHAs.

The MTW expansion statute emphasizes evaluating the MTW program, directing HUD to expand the program in cohorts that would allow for “one specific policy change to be implemented. . . .” and rigorously evaluated. The first cohort of the expansion is testing the impact of MTW designation on small PHAs, defined for these purposes as PHAs administering no more than 1,000 housing units across their HCV and public housing programs. In Cohort 1, PHAs are free to implement any program and policy changes permissible under the MTW program. Under contract with HUD’s Office of Policy Development and Research, Abt Associates Inc. is conducting an

evaluation of Cohort 1 that includes a study of how PHAs use their MTW flexibility to meet the MTW program’s goals and a study of the impact of MTW designation on cost effectiveness, self-sufficiency, and housing choice.

The Evaluation of Cohort 1 of the Moving to Work Demonstration Program Expansion is being implemented as a randomized control trial. To carry out the study, HUD randomly assigned the 43 eligible PHAs that submitted a Letter of Interest to HUD for Cohort 1 into one of two groups: a treatment group (33 PHAs) that was invited to complete the application for MTW designation and a control group (10 PHAs) that was not invited to complete the application for MTW designation and therefore was not permitted to receive MTW designation under Cohort 1.

The evaluation will compare the outcomes of the treatment group PHAs to the outcomes of the control group PHAs over a five-year period. To the

extent possible, this evaluation is relying on analysis of secondary data that PHAs already prepare and submit to HUD, however, some primary data collection is required to carry out the evaluation.

This **Federal Register** Notice provides an opportunity to comment on the information collection for the evaluation. The evaluation will use the data described in this information collection request to clarify and expand on information provided in the existing data sources and to capture qualitative information about the experiences of study PHAs implementing activities related to cost effectiveness, self-sufficiency, or housing choice without MTW flexibility. The proposed information collection consists of: (1) interviews with MTW (treatment group) PHAs; (2) online surveys to non-MTW (control group) PHAs; and (3) interviews with non-MTW (control group) PHAs.

ANNUALIZED BURDEN TABLE

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
Interview Guide for MTW PHAs	93	1	93	1	93	\$52.14	\$4,849.02
Online Survey for Non-MTW PHAs	12	1	12	0.50	6	52.14	312.84
Interview Guide for Non-MTW PHAs	24	1	24	1	24	52.14	1,251.36
Total	129.00	.....	.....	.....	123	.....	6,413.22

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.

Anna P. Guido,

*Department Reports Management Office,
Office of Policy Development and Research,
Chief Data Officer.*

[FR Doc. 2024-02296 Filed 2-5-24; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

**[FWS-R5-ES-2024-N001;
FXES11130500000-245-FF05E00000]**

Endangered Species; Receipt of Recovery 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, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive any written comments on or before March 7, 2024.

ADDRESSES: Use one of the following methods to request documents or submit comments. Requests and comments should specify the applicant's name and application number (e.g., PER0001234):

- Email: permitsR5ES@fws.gov.
- U.S. Mail: Abby Goldstein,

Ecological Services, U.S. Fish and Wildlife Service, 300 Westgate Center Dr. Hadley, MA 01035.

FOR FURTHER INFORMATION CONTACT:

Abby Goldstein, 413-253-8212 (phone), or permitsR5ES@fws.gov (email).

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: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species, unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes such activities as pursuing, harassing, trapping, capturing, or collecting, in

addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER6201238	West Virginia Co-operative Fish and Wildlife Research Unit, Morgantown, WV; Stuart A. Welsh.	Candy darter (<i>Etheostoma osburni</i>), diamond darter, (<i>Crystallaria cincotta</i>).	West Virginia	Presence/probable absence survey, monitoring, electrofishing, capture for propagation, release.	Capture, collect.	New.
PER5256019	Anneka Lamb, Brewster, MA.	Indiana bat (<i>Myotis sodalis</i>), northern long-eared bat (<i>Myotis septentrionalis</i>), gray bat (<i>Myotis grisescens</i>), Ozark big-eared bat (<i>Corynorhinus</i> (= <i>Plecotus</i>) <i>townsendii ingens</i>), tricolored bat (<i>Perimyotis subflavus</i>).	Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.	Capture, band, telemetry, non-intrusive measurements, release.	Capture, collect.	New.
PER5389953	Jason R Holmes, Arcata, CA.	Indiana bat (<i>Myotis sodalis</i>), northern long-eared bat (<i>Myotis septentrionalis</i>).	Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin.	Capture, telemetry, nonintrusive measurements, release.	Capture, collect.	New.
20359D-2	University of Rhode Island, Kingston, RI; Peter Paton.	Roseate tern (<i>Sterna dougallii dougallii</i>). Add: Rufa red knot (<i>Calidris canutus rufa</i>).	New York	Add for roseate tern: Capture, band, collect feather, collect eggshell, telemetry attachment research. Add for rufa red knot: Capture, band, collect blood, telemetry, release.	Capture, collect.	Amend.
PER6130772	Virginia Department of Wildlife Resources, Blacksburg, VA; Michael Pinder.	Candy darter (<i>Etheostoma osburni</i>)	Virginia	Electrofishing, capture for propagation, holding more than 45 days, release.	Capture ...	New.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
60406D-2	Atlantic Marine Conservation Society, Westhampton Beach, NY; Robert DiGiovanni.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	Connecticut, Delaware, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Rhode Island, Virginia.	Stranding response, rehabilitation, telemetry, necropsy, release.	Capture, collect, wound.	Renew.
60434D-2	Sea Turtle Recovery, West Orange, NJ; William Deerr.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), loggerhead sea turtle (<i>Caretta caretta</i>), and green sea turtle (<i>Chelonia mydas</i>).	New Jersey	Stranding response, rehabilitation, nest monitoring, necropsy, release.	Capture, collect.	Renew.
60415D-2	Massachusetts Audubon Wellfleet Bay, South Wellfleet, MA; Melissa Lowe.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	Massachusetts	Stranding response, necropsy.	Capture, collect.	Renew.
60921D-2	Zoological Society of Pittsburgh, dba Pittsburgh Zoo & Aquarium, Pittsburgh, PA; Jeremy Goodman.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	Pennsylvania	Rehabilitation, necropsy.	Collect	Renew.
60928D-2	National Marine Life Center, Buzzards Bay, MA; Lisa Becker.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	Massachusetts	Rehabilitation, necropsy.	Collect	Renew.
60418D-2	Marine Mammal Stranding Center, Brigantine, NJ; Sheila Dean.	Hawksbill sea turtle (<i>Eretmochelys imbricata</i>), Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), green sea turtle (<i>Chelonia mydas</i>), loggerhead sea turtle (<i>Caretta caretta</i>).	New Jersey	Stranding response, necropsy.	Capture, collect.	Renew.
69328D-4	New England Aquarium, Boston, MA; Adam Kennedy.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	Massachusetts, Maine, New Hampshire.	Stranding response, rehabilitation, necropsy, research, release. Add: Telemetry, pharmacology research, biological sample archival.	Capture, collect, wound.	Renew.
70312D-2	National Aquarium, Baltimore, MD; Stephanie Allard.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	Maryland	Stranding response, rehabilitation, necropsy, release.	Capture, collect.	Renew.
69329D-1	Marine Mammals of Maine, Harpswell, ME; Lynda Doughty.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	Maine	Stranding response, necropsy.	Capture, collect.	Renew.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
60419D-1	MERR, Inc., Lewes, DE; Suzanne Thurman.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	Delaware	Stranding response, necropsy. Add: nest monitoring.	Capture, collect.	Renew.
69330D-1	Allied Whale, College of the Atlantic, Bar Harbor, ME; Sean Todd.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	Maine	Stranding response, necropsy.	Capture ...	Renew.
70311D-3	Riverhead Foundation for Marine Research and Preservation, dba New York Marine Rescue Center, Riverhead, NY; Maxine Montello.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), loggerhead sea turtle (<i>Caretta caretta</i>), green sea turtle (<i>Chelonia mydas</i>).	New York	Add: Telemetry ..	Wound	Amend.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, 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 we decide to issue permits to the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martin Miller,

Manager, Division of Endangered Species, Ecological Services, Northeast Region.

[FR Doc. 2024-02309 Filed 2-5-24; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R8-ES-2024-N006;
FXES11130800000-245-FF08E00000]

Endangered and Threatened Species; Receipt of Recovery 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, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. 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.

DATES: We must receive your written comments on or before March 7, 2024.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (e.g., XXXXXX or PER0001234).

- *Email:* permitsR8ES@fws.gov.
- *U.S. Mail:* Susie Tharratt, Regional Recovery Permit Coordinator, U.S. Fish

and Wildlife Service, 2800 Cottage Way, Room W-2606, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT:

Susie Tharratt, via phone at 916-414-6561, or via email at permitsR8ES@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: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes such activities as pursuing, harassing, trapping, capturing, or collecting, in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct

activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR

17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA

requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
17211C	San Diego Zoo Wildlife Alliance, San Diego, California.	San Diego button-celery (<i>Eryngium aristulatum</i> var. <i>parishii</i>).	CA	Collect herbarium and genetic samples, conduct establishment and maintenance of a living collection or seed bank, conduct propagation, conduct pollination, and do genetic research.	Amend.
PER4776540	Emme Nix, Davis, California.	Blunt-nose leopard lizard (<i>Gambelia silus</i>).	CA	Survey, capture, handle, collect biological samples, tag, and release.	New.
081298	Daniel Weinberg, Albany, California.	- California tiger salamander (<i>Ambystoma californiense</i>), Sonoma County and Santa Barbara County distinct population segments. - Conservancy fairy shrimp (<i>Branchinecta conservatio</i>). - Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>). - Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>). - Riverside fairy shrimp (<i>Streptocephalus woottoni</i>). - San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).	CA	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.
75988A	San Diego Natural History Museum, San Diego, California.	- Cushenbury oxytheca (<i>Oxytheca parishii</i> var. <i>goodmaniana</i>). - Munz's onion (<i>Allium munzii</i>) ... - San Diego ambrosia (<i>Ambrosia pumila</i>). - Del Mar manzanita (<i>Arctostaphylos glandulosa</i> subsp. <i>crassifolia</i>). - Marsh sandwort (<i>Arenaria paludicola</i>). - Cushenbury milk-vetch (<i>Astragalus albens</i>). - Braunton's milk-vetch (<i>Astragalus brauntonii</i>). - Coachella Valley milk-vetch (<i>Astragalus lentiginosus</i> var. <i>coachellae</i>). - Ventura marsh milk-vetch (<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>). - Coastal dunes milk-vetch (<i>Astragalus tener</i> var. <i>titi</i>). - Triple-ribbed milk-vetch (<i>Astragalus tricarinatus</i>). <i>Atriplex coronata</i> var. <i>notatior</i> (San Jacinto Valley crownscale). - Nevin's barberry (<i>Berberis nevinii</i>).	CA	Remove and reduce to possession.	Renew.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
11840D	Josh Weinik, Fairfax, California.	• Catalina Island mountain-mahogany (<i>Cercocarpus traskiae</i>). • Salt marsh bird's-beak (<i>Cordylanthus maritimus</i> subsp. <i>maritimus</i>). • Orcutt's spineflower (<i>Chorizanthe orcuttiana</i>). • Slender-horned spineflower (<i>Dodecahema leptoceras</i>). • Santa Ana River woolly-star (<i>Eriastrum densifolium</i> subsp. <i>sanctorum</i>). • Cushenbury buckwheat (<i>Eriogonum ovalifolium</i> var. <i>vineum</i>). • San Diego button-celery (<i>Eryngium aristulatum</i> var. <i>parishii</i>). • Mexican flannelbush (<i>Fremontodendron mexicanum</i>). • San Clemente Island woodland-star (<i>Lithophragma maximum</i>). • Willowy monardella (<i>Monardella viminea</i>). • Gambel's watercress (<i>Rorippa gambelii</i> [Nasturtium g.]). • California orcutt grass (<i>Orcuttia californica</i>). • Lyon's pentachaeta (<i>Pentachaeta lyonii</i>). • San Bernardino Mountains bladderpod (<i>Lesquerella kingii</i> subsp. <i>bernardina</i>). • San Bernardino bluegrass (<i>Poa atropurpurea</i>). • San Diego mesa-mint (<i>Pogogyne abramsii</i>). • Otoy mesa-mint (<i>Pogogyne nudiuscula</i>). • Santa Cruz Island rockcress (<i>Sibara filifolia</i>). • Pedate checker-mallow (<i>Sidalcea pedata</i>). • California taraxacum (<i>Taraxacum californicum</i>). • Slender-petaled mustard (<i>Thelypodium stenopetalum</i>). • Palos Verdes blue butterfly (<i>Glaucopsyche lygdamus palosverdesensis</i>). • El Segundo blue butterfly (<i>Euphilotes battoides allyni</i>).	CA	Survey by pursuit	Renew.
095858	Arianne Preite, Orange, California.	• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>). • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>). • Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>). • Riverside fairy shrimp (<i>Streptocephalus woottoni</i>). • San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>). • Quino checkerspot butterfly (<i>Euphydryas editha quino</i>). • Light-footed Ridgway's rail (<i>Rallus obsoletus levipes</i>). • Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).	CA	Survey, survey using recorded vocalizations, survey by pursuit, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
14749C	Lorena Bernal, San Diego, California.	• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>). • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>). • Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>). • Riverside fairy shrimp (<i>Streptocephalus woottoni</i>). • San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>). • Quino checkerspot butterfly (<i>Euphydryas editha quino</i>).	CA	Survey, survey by pursuit, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.
14231A	Caesara Brungraber, Bend, Oregon.	• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>). • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>). • Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>). • Riverside fairy shrimp (<i>Streptocephalus woottoni</i>). • San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>). • Quino checkerspot butterfly (<i>Euphydryas editha quino</i>).	CA	Survey, survey by pursuit, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	Renew.
PER5167328	Bernie Villanueva-Grzecka, San Juan Capistrano, California.	• Pacific pocket mouse (<i>Perognathus longimembris pacificus</i>).	CA	Conduct track tube surveys.	New.
PER5174348	Michael Voeltz, Walnut Creek, California.	• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>). • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>). • Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>). • Riverside fairy shrimp (<i>Streptocephalus woottoni</i>). • San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).	CA	Survey, capture, handle, release, and collect adult vouchers.	New.
PER4775202-0 ...	Krystal Pulsipher, Sacramento, California.	• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>). • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>). • Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>). • Riverside fairy shrimp (<i>Streptocephalus woottoni</i>). • San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).	CA	Survey, capture, handle, release, and collect adult vouchers.	Renew.
PER4775159	Andrew Kort, La Mesa, California.	• Conservancy fairy shrimp (<i>Branchinecta conservatio</i>). • Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>). • Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>). • Riverside fairy shrimp (<i>Streptocephalus woottoni</i>). • San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>).	CA	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod resting eggs.	New.
PER4775578	California State Parks, Felton, California.	• San Francisco garter snake (<i>Thamnophis sirtalis tetrataenia</i>).	CA	Survey, capture, handle, collect biological samples, and release.	New.
84156D	Stephen Gergeni, Sacramento, California.	• Foothill yellow-legged frog (<i>Rana boylei</i>) South Sierra and South Coast distinct population segments. • Sierra Nevada yellow-legged frog (<i>Rana sierrae</i>).	CA	Survey, capture, handle, and release.	Amend.
48210A	Area West Environmental, Inc., Orangevale, California.	• Foothill yellow-legged frog (<i>Rana boylei</i>) South Sierra and South Coast distinct population segments.	CA	Survey, capture, handle, and release.	Amend.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
PER7646004	Imperiled Species Breeding Program at Larry Ellison Conservation Center for Wildlife Care, Saratoga, California.	Santa Cruz long-toed salamander (<i>Ambystoma macrodactylum croceum</i>).	CA	Capture, handle, release, relocate, collect genetic material, keep, breed, and study in captivity.	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Rachel Henry,

Acting Regional Ecological Services Program Manager, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2024-02341 Filed 2-5-24; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/
A0A501010.999900]

Indian Gaming; Approval of Tribal-State Class III Gaming Compact Amendment Between the Tulalip Tribes of Washington and the State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Memorandum of Incorporation of Most Favored Nation Amendments to the Tribal-State Compact for Class III Gaming between the Tulalip Tribes of Washington and the State of Washington.

DATES: The Amendment takes effect on February 6, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov*; (202) 219-4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100-497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Amendment authorizes the Tribe to offer Electronic Table Games at the Tribe's class III gaming facilities, establishes limitations on wagers, credit, gaming stations, and player terminals, and increases contributions to problem gaming resources. Additionally, the Tribe agrees to establish education and awareness programs for problem gaming. The Amendment also makes minor adjustments to accepted forms of payment and allows the Tribe to increase its maximum wagers and purchase prices to match an increase in prices in the Washington State Lottery. The Amendment is approved.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024-02350 Filed 2-5-24; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/
A0A501010.999900]

Winnemucca Indian Colony Liquor Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the liquor ordinance of the Winnemucca Indian Colony. The liquor ordinance is to regulate and control the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of Nevada for the purpose of generating new Tribal revenues. Enactment of this ordinance will help provide a source of revenue to strengthen Tribal government, provide for the economic viability of Tribal enterprises, and improve delivery of Tribal government services.

DATES: This code shall become effective February 6, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Natalie Wabaunsee, Acting Tribal Government Officer, Western Regional Office, Bureau of Indian Affairs, 2600 N. Central Avenue, 4th Floor Mailroom, Phoenix, AZ 85001, Telephone: (602) 647-5271 or Oliver Whaley, Director, Office of Regulatory Affairs, (202) 738-6065.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Pub. Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Winnemucca Indian Colony Council duly adopted the Winnemucca Indian Colony Liquor Ordinance on March 14, 2023.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Winnemucca Indian Colony Council duly adopted by Resolution of the Colony Council of the

Winnemucca Indian Colony of Nevada the Winnemucca Indian Colony Liquor Ordinance by Resolution No. 2023–03–013 dated March 14, 2023.

Bryan Newland,
Assistant Secretary–Indian Affairs.

The Winnemucca Indian Colony Liquor Ordinance shall read as follows:

General Provisions

Section 26.001 Title. This ordinance shall be known as the Winnemucca Indian Colony Liquor Ordinance.

Section 26.002 Authority. This Ordinance is adopted by the Winnemucca Indian Colony Council pursuant to the provisions of 18 U.S.C.A. § 1161 and Article VI, Section 1(e), (g) (h), (i) and (j) of the Constitution of the Winnemucca Indian Colony.

Section 26.003 Policies.

1. The introduction, possession and sale of liquor on Indian reservations have always been clearly recognized as matters of special concern to Indian tribes and to the United States Government. The control of liquor on reservations remains exclusively subject to their legislative enactments.

2. Federal law currently prohibits introduction of liquor into Indian country, 18 U.S.C.A. § 1155, leaving tribes the decision regarding when and to what extent liquor transactions shall be permitted. 18 U.S.C.A. § 1161

3. Present day circumstances make a complete ban on liquor within the Winnemucca Indian Colony ineffective and unrealistic. However, a need still exists for strict regulation and control over liquor transactions within the Winnemucca Indian Colony because of the many potential problems associated with the unregulated or inadequately regulated sale, possession and consumption of liquor. The Council finds that exclusive tribal control and regulation of liquor is necessary to achieve maximum economic benefit to the Colony to protect the health and welfare of Colony members, and to address specific tribal concerns relating to alcohol use on the Colony.

4. The enactment of a tribal ordinance governing liquor sales on the Colony will increase the ability of the tribal government to control Colony liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation of the tribal government and delivery of tribal governmental services.

5. In order to provide for increased tribal control over liquor distribution and possession on the Colony and to provide for an urgently needed additional revenue source, the Council of the Winnemucca Indian Colony hereby adopts this Liquor Ordinance.

Winnemucca Indian Colony Liquor Commission

Section 26.100 Establishment. There is hereby established a Winnemucca Indian Colony Liquor Commission. The members of the Winnemucca Indian Colony Council shall serve as the Winnemucca Indian Colony Liquor Commission.

Section 26.101 Powers. The Winnemucca Indian Colony Liquor Commission shall have the following powers:

1. Administer this Ordinance by exercising general control, management and supervision of all liquor sales, places of sale and sales outlets, as well as exercising all powers necessary to accomplish the purposes of this Ordinance.

2. Adopt and enforce rules and regulations in furtherance of the purposes of this Ordinance and the performance of administrative functions.

3. Employ such persons as reasonably necessary to allow the Commission to perform its duties under this Ordinance.

4. Bring suit in the appropriate court to enforce the provisions of this Ordinance.

5. The Winnemucca Indian Colony Liquor Commission shall conduct business pursuant to this Ordinance at regular of special Council meetings and shall keep records of all proceedings of the Winnemucca Indian Colony Liquor Commission.

6. Any person Subject to the provisions of this Ordinance who is injured or aggrieved by any final regulations issued by the Winnemucca Indian Colony Liquor Commission may petition the Commission for a revision of the regulations.

7. The Winnemucca Indian Colony Council shall have the authority to establish by separate Ordinance the Winnemucca Indian Colony Liquor Agency. This agency, like Winnemucca Indian Colony Indian Tribal Enterprises, shall be constituted as a separate agency and department of the Winnemucca Indian Colony with its own charter. The purpose of the Winnemucca Indian Colony Liquor Agency shall be to purchase and sell liquor for the benefit of the Winnemucca Indian Colony.

8. The Winnemucca Indian Colony Council may form a corporation or a subordinate tribal entity, or a tribal enterprise, to operate off-sale or packaged sale of intoxicating beverages, under such license or licenses as may be required by law.

Appeals

Section 26.200 Sovereign Immunity Not Waived. Nothing in this Liquor

Ordinance is intended or shall be construed as a waiver of the sovereign immunity of the Winnemucca Indian Colony. The Winnemucca Indian Colony does not consent to be sued in any court with respect to this Ordinance. No employee or agent of the Winnemucca Indian Colony or of the Winnemucca Indian Colony Liquor Commission shall be authorized, nor shall he attempt to waive the sovereign immunity of the Tribe.

Section 26.201 The Challenges to the Validity of This Liquor Ordinance. All challenges to the validity of this Liquor Ordinance either generally, or as applied to any person, shall be presented to the Winnemucca Indian Colony Council. The decision of the Council on the matter is final.

Section 26.202 No Other Actions Created. No private right of action by any person or group of persons, either directly against any person subject to this Ordinance, or indirectly against any Winnemucca Indian Colony Official or body to compel the enforcement of the provisions of this Ordinance shall be deemed created by this Ordinance, or be within the subject matter jurisdiction of the Winnemucca Indian Colony Tribal Court or any other court. No injunction or restraining order shall issue from the Winnemucca Indian Colony Tribal Court or any other court to enforce the provision of this Ordinance.

Section 26.203 Severability. If any provision of this Ordinance or its application to any person or circumstances is held invalid by a final judgment of a court of competent jurisdiction, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are severable.

Definitions

Section 26.300 Definitions. As used in this Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

Section 26.301 “Alcohol” defined. “Alcohol” is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

Section 26.302 “Beer” defined. “Beer” means any beverage obtained by the alcoholic fermentation of any infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal

in pure water containing not more than 4% of alcohol by volume. For the purpose of this title, any such beverage, including ale, stout and porter, containing more than 4% of alcohol by weight shall be referred to as "strong beer."

Section 26.303 "Liquor" defined. "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer) and all fermented spiritous, vinous, or malt liquor or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous, or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine, or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semi-solid, solid substance, which contains more than 1% of alcohol by weight shall be conclusively deemed to be intoxicating.

Section 26.304 "Malt Liquor" defined. "Malt Liquor" means beer, strong beer, ale, stout and porter.

Section 26.305 "Sale" and "Sell" defined. "Sale" and "Sell" include exchange, barter and traffic, and also include the selling or supplying or distributing by any means whatsoever of liquor or of any liquid known or described as beer, or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.

Section 26.306 "Spirits" defined. "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding 17% of alcohol by weight.

Section 26.307 "Wine" defined. "Wine" means any alcohol beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural products containing sugar to which any saccharine substances may have been added before, during or after fermentation and containing not more than 17% of alcohol by weight, including sweet wines fortified with wine spirits such as port, sherry, muscatel and angelica not exceeding 17% of alcohol by weight.

Licensing

Section 26.400 Tribal License Required. Any person desiring to sell liquor within the boundaries of the Winnemucca Indian Colony must first obtain a license from the Winnemucca Indian Colony Liquor Commission. Every license issued under this Ordinance shall be subject to all conditions and restrictions imposed by this Ordinance and by the regulations in force from time to time.

Section 26.401 Application for License. Any person may apply for a Winnemucca Indian Colony Liquor License. Application shall be made on an approved form provided by the Winnemucca Indian Colony Liquor Commission. The application shall be filed with the Secretary of the Winnemucca Indian Colony Council. The application shall show the following:

1. Proof satisfactory that the applicant is a person of good moral character and reputation.
2. Proof satisfactory that the applicant is financially responsible.
3. Proof satisfactory that the applicant is over 21 years of age.
4. The location and description of the premises where the sales will take place.
5. That the applicant agrees to accept and abide by the conditions of the Winnemucca Indian Colony Liquor License as set forth in Section 26.402 of this Ordinance and any other Ordinance or Resolution of the Winnemucca Indian Colony Council.
6. That a fee as set by resolution of the Winnemucca Indian Colony Council accompanies the application.

Section 26.402 Conditions of Winnemucca Indian Colony Liquor License. Any Winnemucca Indian Colony Liquor License issued under this Ordinance shall be subject to the following conditions:

1. Licenses shall be issued for one calendar year or the portion remaining thereof at the time the license is issued, starting with 2023.
2. If the terms of the license or location of the business so require, the licensee shall at his own expense, engage some suitable person who qualifies as eligible for employment as a law enforcement officer to maintain law and order in and about the premises where alcohol is sold.
3. The licensee shall at all times maintain an orderly, clean and neat establishment both inside and outside the premise.
4. All acts and transactions relating to the operating standards of the establishment licensed under the authority of the Winnemucca Indian Colony Liquor License shall be in conformity with the operating laws of the State of Nevada to the extent required by 18 U.S.C.A. § 1161. More stringent standards of operation may be imposed upon 30 days-notice to licensees by duly enacted ordinances of the Council.
5. The licensed premises shall be subject to inspection during reasonable business hours by members of the Winnemucca Indian Colony Liquor

Commission or authorized representatives in order to ensure that the licensee is complying with the terms of tribal ordinances and the conditions of the license.

Section 26.403 Consideration of Application. The Winnemucca Indian Colony Liquor Commission may, within its sole discretion, refuse to issue a license. The Commission may, within its sole discretion and subject to this Ordinance, issue a license. For purposes of considering an application, the Commission may cause an inspection of the premises to be made and may inquire into all matters in connection with the construction and operation of the premises. Before the Commission shall issue a license, it shall give due consideration to the location of the business to be conducted under such license.

Section 26.404 Posting. Every licensee shall post and keep its license in a conspicuous place on the premises.

Section 26.405 Fees. License applications must be accompanied by an annual fee paid in advance. The Winnemucca Indian Colony Liquor Commission shall promulgate regulations establishing the annual fee for a Winnemucca Indian Colony Liquor License.

Section 26.406 Expiration. Unless sooner cancelled, every license shall expire at midnight on the 31st day of December of the year in which it was issued.

Section 26.407 Suspension and Cancellation. The Winnemucca Indian Colony Liquor Commission may suspend or cancel any license for violation of this Ordinance. Upon suspension or cancellation, all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated as the case may be. At least ten days prior to the cancellation or suspension, the Commission shall provide notice to the licensee of its intent to cancel or suspend the license. The licensee shall have the right prior to the cancellation or suspension date, to apply to the Winnemucca Indian Colony Council for a hearing to determine whether the license was rightly suspended or cancelled. The decision of the Winnemucca Indian Colony Council on the matter shall be final. Upon suspension or cancellation of the license, the licensee shall forthwith deliver up the license to the Winnemucca Indian Colony Council. Where the license has been suspended only, the Council shall return the license to the licensee at the expiration or termination of the period of suspension.

Illegal Activities

Section 26.500 Declaration. No person shall engage in the manufacture or sale of liquor within the boundaries of the Winnemucca Indian Colony except in conformity with this Ordinance. No person shall engage in the sale or manufacture of liquor within the boundaries of the Winnemucca Indian Colony unless duly licensed by the Tribe.

Section 26.501 Illegal Sale of Liquor by Drink or Bottle. It shall be a violation of this Ordinance for any person to sell by the drink or bottle any liquor, except as otherwise provided in this Ordinance.

Section 26.502 Illegal Transportation, Still or Sale without Permit. It shall be violation of this Ordinance for any person to sell or offer for sale or transport in any manner, any liquor in violation of this Ordinance or to operate or have in his possession without a permit any mash capable of being distilled into liquor.

Section 26.503 Illegal Purchase of Liquor. It shall be a violation of this Ordinance for any person within the boundaries of the Winnemucca Indian Colony to buy liquor from any person other than at a store having a Winnemucca Indian Colony Liquor License.

Section 26.504 Illegal Possession of Liquor, Intent to Sell. It shall be a violation of this Ordinance for any person to keep or possess liquor upon his person or in any place, or on premises conducted or maintained by him as a principal or agent, with the intent to sell it contrary to the provisions of this Ordinance.

Section 26.505 Sales to Persons Apparently Intoxicated. It shall be a violation of this Ordinance for any person to sell liquor to a person apparently under the influence of liquor.

Section 26.506 Sale to Minors. It shall be unlawful:

1. For a licensee or any other person to sell, deliver, give or otherwise furnish liquor to any person under the age of 21 years, or leave or deposit any such liquor in any place with the intent that the same shall be procured by any person under the age of 21 years, or for a person under the age of 21 years to buy, receive, have in his possession, or consume liquor. It shall be the responsibility of the licensee or his employee and of anyone acting in his behalf to ascertain that the purchaser of any liquor, either by the drink or by the bottle, or any other container is 21 years of age or older.

2. For a licensee to employ a person under the age of 21 years to manufacture, sell or dispose of liquor.

3. For a licensee to employ a person under the age of 21 years in any capacity connected with the handling of liquor.

4. For a person under 21 years of age to offer or present to a licensee, employee or other person a fraudulent or false certificate of birth or other written evidence of age which is not actually his own, or to otherwise misrepresent his age for the purpose of inducing a licensee or employee to give, sell, serve or furnish liquor contrary to law.

5. To influence or attempt to influence the sale, giving or serving of liquor to any person under 21 years of age by misrepresenting the age of such person or to order, request, receive or procure liquor from any licensee, employee or other person for the purpose of selling, giving, or serving it to a person under 21 years of age.

6. For any person under the age of 21 years to buy, sell, give, possess, deliver, serve, or to be employed for any of the foregoing or to consume any liquor within the exterior boundaries of the Winnemucca Indian Colony.

Section 26.507 Identification—Proof of Minimum Age. Where there may be a question of a person's right to purchase liquor by reason of his or her age, such person shall be required to present any one of the following officially issued cards of identification which shows correct age and bears his or her signature and photograph:

- (1) Liquor Control Authority Card of Identification.
- (2) Driver's License of any State.
- (3) United States Active Duty Military Identification.
- (4) Passport.
- (5) Tribal Identification or Enrollment Card.

Section 26.508 Defense to Action for Sale to Minors. It shall be a defense to a suit for serving liquor to a person under 21 years of age if such a person has presented a card of identification as set forth in Section 26.507 and the licensee of his employee took reasonable care to verify the card of identification.

Section 26.509 Certain Illegal Activity. The following are prohibitions against certain conduct by individuals who consume alcohol:

1. It shall be unlawful to use or consume any alcoholic beverages in a motor vehicle while such vehicle is being driven.
2. It shall be unlawful to possess any open bottle, can, package, or container of alcoholic beverage in the passenger

compartment of a motor vehicle when such vehicle is being driven.

3. It shall be unlawful for any person actually under the influence of alcoholic beverages to possess, use or consume alcoholic beverages.

4. It shall be unlawful for any person to furnish any alcoholic beverage to any person under the age of twenty-one (21) or to leave or to deposit any alcoholic beverages with the intent that the alcoholic beverages shall be procured by any person under the age of twenty-one (21) years.

5. Any Indian who violates any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine of not more than \$50 or by imprisonment of not more than ten (10) days or both such fine and imprisonment: Provided, however, that any person under the age of eighteen (18) years may, in the discretion of the judge, be treated as a juvenile and have the charge(s) disposed of pursuant to applicable juvenile law and procedures.

Penalties

Section 26.600 Civil Fine. Any person or entity selling, bartering or manufacturing liquor without a tribal license or otherwise violating this Ordinance shall be subject to a civil fine of not more than \$500.00 for each violation. The Winnemucca Indian Colony Council may adopt by resolution a schedule of lesser fines for each type of violation taking into account its seriousness and the threat it may pose to the general health and welfare of tribal members.

Section 26.601 Criminal Penalties. Any person or entity subject to criminal prosecution by the Winnemucca Indian Colony who sells, barter or manufactures liquor without a Winnemucca Indian Colony Liquor License shall be subject to a fine of not more than \$500.00 and/or six months imprisonment for each separate violation at the discretion of the Tribal Court and pursuant to all appropriate provisions of the Law and Order Code of the Winnemucca Indian Colony. The penalties provided herein shall be in addition to any criminal penalties which may be imposed by the provisions of the Winnemucca Indian Colony Law and Order Code.

1. In no event shall the same person or entity be subject to both civil and criminal sanctions simultaneously.

2. The Federal Indian liquor laws remain applicable to any act or transaction which is not authorized by this Ordinance and violators of this Ordinance may be subject to federal

prosecution as well as legal action in accordance with Tribal Law.

Section 26.602 *Illegal Items Declared Contraband.* All liquor within the Colony held, owned or possessed by any person or liquor outlet operating in violation of this Ordinance is hereby declared to be contraband and subject to forfeiture to the Tribe. Upon application of the Tribe, the Tribal Court Judge shall issue an order directing the appropriate law enforcement office to seize contraband liquor within the Winnemucca Indian Colony and deliver it to the Winnemucca Indian Colony Council. A copy of the Court Order shall be delivered to the person from whom the property was seized.

1. Within two weeks following the seizure of the contraband, a hearing shall be held in Tribal Court at which time the owner or operator of the contraband shall be given an opportunity to present evidence in defense of his or her activities.

2. Adequate notice of the hearing shall be given to the person from whom the property was seized, if known. If the person is unknown, notice of the hearing shall be posted at the place where the contraband was seized and at some other public place. The notice shall describe the property seized and the time, place and cause of seizure, and give the name and place of residence, if known, of the person from whom the property was seized.

3. If, upon the hearing, the evidence warrants or no person appears as the claimant, the Tribal Court shall thereupon enter a judgment of forfeiture and order such articles turned over to the Winnemucca Indian Colony Council for disposition.

Section 26.603 *Injunctive Relief.* The Tribal Court may, in addition to other penalties set forth in this Ordinance, grant such other relief as is necessary and proper to enforce this Ordinance including but not limited to injunctive relief against acts in violation of this Ordinance.

Section 26.604 *Exclusion.* Any person not a member of the Winnemucca Indian Colony who shall be found in violation of this Ordinance shall be subject to exclusion from the Winnemucca Indian Colony at the discretion of the Tribal Council.

Miscellaneous Provisions

Section 26.700 *Jurisdiction.* The jurisdiction of this ordinance shall extend to all activities conducted within the exterior boundaries of the Winnemucca Indian Colony except activities conducted on rights of way through the Winnemucca Indian Colony. Nothing in this Ordinance shall

be construed to require or authorize the criminal trial and punishment by the Winnemucca Indian Colony Tribal Court of any non-Indian except to the extent allowed by any applicable present or future act of Congress or any applicable decision of a United States Federal Court.

Section 26.701 *Taxation.* The Winnemucca Indian Colony Council shall have the authority, through separate ordinance, to levy and collect a tax on each retail sale of liquor within the exterior boundaries of the Winnemucca Indian Colony. Any tax imposed by the Council shall apply to all retail sales of liquor on the Colony.

Section 26.702 *Application of 18 U.S.C.A. § 1161.* All liquor transactions within the Winnemucca Indian Colony shall conform to this Ordinance and to the laws of the State of Nevada to the extent required by 18 U.S.C.A. § 1161.

Section 26.703 *Amendments.* All provisions of this Ordinance are subject to proper revision, repeal or amendment in accordance with the Constitution and By-Laws of the Winnemucca Indian Colony.

Section 26.704 *Effective Date.* This Ordinance shall be effective on such date as the Secretary of the Interior certifies this Ordinance and publishes the same in the **Federal Register**.

[FR Doc. 2024-02351 Filed 2-5-24; 8:45 am]

BILLING CODE 4337-15-P

INTERNATIONAL TRADE COMMISSION

[USITC SE-23-007]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: February 15, 2024 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Agendas for future meetings:* none.
2. Minutes.
3. Ratification List.
4. Commission vote on Inv. No. 731-TA-679 (Fifth Review) (Stainless Steel Bar from India). The Commission currently is scheduled to complete and file its determinations and views of the Commission on February 23, 2024.
5. *Outstanding action jackets:* none.

CONTACT PERSON FOR MORE INFORMATION: Sharon Bellamy, Supervisory and Hearings Information Officer, 202-205-2000.

The Commission is holding the meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b). In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier notification of meeting was not possible.

By order of the Commission,

Issued: February 1, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024-02441 Filed 2-2-24; 11:15 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—MLCommons Association

Notice is hereby given that, on January 22, 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"), MLCommons Association ("MLCommons") 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, Blaine Rister (individual member), Burlingame, CA; Wayne Wei Wang (individual member), Hong Kong, PEOPLE'S REPUBLIC OF CHINA; Liu Ke (individual member), San Jose, CA; Chen-Yu Ho (individual member), Changhua County, TAIWAN; OMOIKANE A.I. Ltd., London, UNITED KINGDOM; Yue Hu (individual member), Los Altos, CA; and Wiwynn Corporation, New Taipei City, TAIWAN have been added as parties to this venture.

Also, Baidu USA LLC, Sunnyvale, CA; and Deci.ai, Ramat Gan, ISRAEL 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 MLCommons intends to file additional written notifications disclosing all changes in membership.

On September 15, 2020, MLCommons 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 29, 2020 (85 FR 61032).

The last notification was filed with the Department on November 2, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 15, 2023 (88 FR 86939).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–02283 Filed 2–5–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Clean Highly Efficient Decarbonized Engines

Notice is hereby given that, on January 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”), Clean Highly Efficient Decarbonized Engines (“CHEDE–9”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the identities of the parties to the venture are: Afton Chemical, Richmond, VA; Caterpillar, Inc., Peoria, IL; Deere and Company, Cedar Falls, IA; Eaton, Marshall, MI; Isuzu, Tokyo, JAPAN; Superturbo Technologies, Loveland, CO; Tenneco, Plymouth, MI; Volkswagen Aktiengesellschaft, Wolfsburg, GERMANY; Volvo Powertrain North America, Hagerstown, MD; WABTEC, Pittsburgh, PA; Weichai Power Co. Ltd., Shandong, PEOPLE’S REPUBLIC OF CHINA; Yuchai, Guangxi, PEOPLE’S REPUBLIC OF CHINA; Toyota Industries Corporation, Aichi, JAPAN; and HD Hyundai Infracore, Incheon, KOREA. The general area of CHEDE–9’s planned activity is to develop new and novel technologies that provide clean and efficient decarbonized powertrain solutions; to provide a collaborative environment for evaluation of advanced decarbonized engine and aftertreatment technology to meet the goals of GHG emissions of 35% to 50% below model

year 2024 products and NOx to remain below one part per million at the tailpipe.

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–02262 Filed 2–5–24; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Information Warfare Research Project Consortium

Notice is hereby given that, on January 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”), Information Warfare Research Project Consortium (“IWRP”) 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, Alpine Method Technologies LLC, Aldie, VA; CR Access Consulting LLC, Virginia Beach, VA; DAn Solutions, Inc., Arlington, VA; Data Driven Engineering LLC, Ladson, SC; Defense Industry Advisors LLC, Dayton, OH; Four LLC, Herndon, VA; Gigamon, Inc., Santa Clara, CA; Goldbelt Hawk LLC, Newport News, VA; Grammatech, Inc., Ithaca, NY; Guardian Strategic Solutions LLC, Chesapeake, VA; Iron EagleX, Inc., Tampa, FL; JMA Resources, Inc., Mechanicsburg, PA; L3Harris Technologies, Inc.—Space and Airborne Systems, Palm Bay, FL; Numerica Corp., Fort Collins, CO; Obsidian Global LLC, Washington, DC; Parts Life, Inc., Moorestown, NJ; Radinnova, Inc., San Diego, CA; Strategi Consulting LLC, College Park, MD; Tagup, Inc., Somerville, MA; and Virtru Corp., Washington, DC, have been added as parties to this venture.

Also, Absolute Business Solutions, Inc., McLean, VA; Action Engineering LLC, Golden, CO; Applied Engineering Management Corp., Herndon, VA; C4 Planning Solutions LLC, Blythe, GA; Cohere Solutions LLC, Herndon, VA; Creative Global Consulting LLC, Loral, MD; Daines Advisory, Inc., Alhambra, CA; Guided Particle Systems, Inc., Pensacola, FL; Huckworthy LLC, Cape Charles, VA; J-Mack Technologies LLC, Fort Worth, TX; Juno Technologies, Inc.,

Rancho Sante Fe, CA; Kairos Research LLC, Dayton, OH; KITCO Fiber Optics, Inc., Norfolk, VA; LinQuest Corp., Los Angeles, CA; LOCATORX, Inc., Suwanee, GA; MKS2 LLC, Lakeway, TX; NCI Information Systems, Inc., Reston, VA; Qualcomm Technologies, Inc., San Diego, CA; Roberson & Associates LLC, Schumburg, IL; RunSafe Security, Inc., McLean, VA; Simba Chain, Inc., Plymouth, IN; Skylark Wireless LLC, Houston, TX; Southeastern Computer Consultants, Inc., Frederick, MD; Spinvi Consulting LLC, Alexandria, VA; Tesla Government, Inc., Falls Church, VA; Tetrad Digital Integrity LLC, Washington, DC; Trex Enterprises Corp., San Diego, CA; and Veritech LLC, Aberdeen, MD, 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 IWRP intends to file additional written notifications disclosing all changes in membership.

On October 15, 2018, IWRP 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 October 23, 2018 (83 FR 53499).

The last notification was filed with the Department on October 4, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 15, 2023 (88 FR 86937).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–02263 Filed 2–5–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Source Imaging Consortium, Inc.

Notice is hereby given that, on December 29, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Open Source Imaging Consortium, Inc. (“Open Source Imaging 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, Medizinische Hochschule Hannover, Hanover, GERMANY, 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 Open Source Imaging Consortium intends to file additional written notifications disclosing all changes in membership.

On March 20, 2019, Open Source Imaging 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 12, 2019 (84 FR 14973).

The last notification was filed with the Department on September 28, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 15, 2023 (88 FR 86933).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024-02264 Filed 2-5-24; 8:45 am]

BILLING CODE 4410-11-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on December 20, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), DVD Copy Control Association (“DVD CCA”) 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, APTIV Services, LLC, Troy, MI; Deluxe Digital Studios Inc., Burbank, CA; and Sunext Technology Corporation Limited, Hsin-Chu, TAIWAN, 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 DVD CCA intends to file additional written

notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA 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 August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on June 15, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 22, 2023 (88 FR 57130).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024-02250 Filed 2-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical CBRN Defense Consortium

Notice is hereby given that, on January 5, 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 CBRN Defense Consortium (“MCDC”) 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, ARServices Limited, Falls Church, VA; DKW Consulting LLC, Tallahassee, FL; GW Medical Systems Information Technologies Inc dba GE HealthCare Technology & Innovation Center, Niskayuna, NY; Goldbelt Hawk LLC, Newport News, VA; and Sentio BioSciences LLC, Maryland Heights, MO, have been added as parties to this venture.

Also, Clarifia Inc, New York, NY; Conductive Technologies Inc, York, PA; Government Scientific Source, Reston, VA; Kleo Pharmaceuticals, New Haven, CT; Locus Biosciences, Morrisville, NC; Pertexa Healthcare Technologies, Ridgecrest, CA; SX2 Technologies LLC, Port Washington, WI; and Trauma Insight LLC dba LumaBridge LLC, San Antonio, TX, 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 MCDC intends to file additional written notifications disclosing all changes in membership.

On November 13, 2015, MCDC 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 January 6, 2016 (81 FR 513).

The last notification was filed with the Department on October 13, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 15, 2023 (88 FR 86938).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024-02260 Filed 2-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Mobile Alliance

Notice is hereby given that, on January 11, 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”), Open Mobile Alliance (“OMA”) 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, Aetheros, Sausalito, CA; AVSystem sp.zo.o., Kraków, POLAND; Bulk Tainer Telematics Ltd., Stokesley, UNITED KINGDOM; HMD Global Oy, Espoo, FINLAND; Hydro- Québec, Varennes, CANADA; Landis+Gyr Technology, Inc., Alpharetta, GA; Software AG, Darmstadt, GERMANY; Weihai Ploumeters Co., LTD, Weihai, Shandong Province, PEOPLE’S REPUBLIC OF CHINA have been added as parties to this venture.

Also, ARM Ltd., San Jose, CA; Comtech Telecommunications Corp., Annapolis, MD; grandcentrix GmbH, Cologne, GERMANY; KTC Product AB, Askim, SWEDEN; Lulea University of Technology, Lulea, SWEDEN; Qualcomm Inc., San Diego, CA; Softbank Corp., Tokyo, JAPAN; Sporton International Inc., TaoYuan Hsien, TAIWAN; Telit Communications S.p.a.,

Sgonico, ITALY, 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 OMA intends to file additional written notifications disclosing all changes in membership.

On March 18, 1998, OMA 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 31, 1998 (63 FR 72333).

The last notification was filed with the Department on April 19, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 13, 2022 (87 FR 29386).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–02259 Filed 2–5–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—America's Datahub Consortium

Notice is hereby given that, on January 11, 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”), America's DataHub Consortium (“ADC”) 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, Compendium Technologies LLC, Fort Mill, SC; Metadata Technology North America, Inc., Knoxville, TN; National Institute of Statistical Sciences, Washington, DC; The Data Foundation, Inc., Washington, DC; Tumult Labs, Durham, NC; and Valkyrie AI LLC dba Reclassify AI LLC, Albany, 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 ADC intends to file additional written notifications disclosing all changes in membership.

On November 11, 2021, ADC 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 22, 2021 (86 FR 72628).

The last notification was filed with the Department on October 6, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 15, 2023 (88 FR 86934).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–02284 Filed 2–5–24; 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 January 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”), 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, Deep Level Corp., Long Beach, CA; Mellitus Health, Inc., Beverly Hills, CA; Polaris Alpha Advanced Systems, Inc., Fredericksburg, VA; PortaVision Medical, Metairie, LA; and Sekond Skin Society, Walkerton, CA, 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 02, 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 October 5, 2023. A notice was published in the **Federal**

Register pursuant to section 6(b) of the Act on December 15, 2023 (88 FR 86930).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024–02285 Filed 2–5–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group Permian Basin Consortium—Phase III

Notice is hereby given that, on January 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”), Cooperative Research Group Permian Basin Consortium—Phase III has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the identities of the parties to the venture are: Marathon Oil Company, Houston, TX; and Diamondback E&P LLC, Midland, TX.

The general area of Permian Basin Consortium—Phase III's planned activities will involve building on research conducted in Phases 1 and 2 of the consortium, with continued analysis of deformation and mechanical stratigraphy in Permian strata exposed in and around the Permian Basin of Texas and New Mexico. Planned activity involves intensive data collection and quantitative analysis of systematic fracture networks and associated deformation related to lithostratigraphy and mechanical stratigraphy. This work will develop datasets and predictive relationships based on outcrop and core, that can be used to inform predictive models of fracturing in the Permian Basin. Subsurface investigations include numerical geomechanical modeling of deformation related to tectonic activity and hydraulic fracturing within

productive and potentially productive portions of the Permian Basin.

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024-02279 Filed 2-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group H₂ICE Demonstration Vehicle (“H₂ICE”)

Notice is hereby given that, on December 5, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Cooperative Research Group H₂ICE Demonstration Vehicle (“H₂ICE”) 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, Daimler Truck North America LLC, Portland, OR, 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 H₂ICE intends to file additional written notifications disclosing all changes in membership.

On August 14, 2023, H₂ICE 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 20, 2023 (88 FR 80763).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024-02251 Filed 2-5-24; 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 January 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”), 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, Act Medical, Ltd., Loughborough, GREAT BRITAIN; Affinity Associates LLC, Holden Beach, NC; Akthelia, Reykjavik, ICELAND; Altra, Inc., Las Vegas, NV; Amazon Web Services, Arlington, VA; AutoMedicus Corp., Pasadena, CA; AutonomUS Medical Technologies, Inc., Cambridge, MA; Collabralink Technologies, Inc., dba Groundswell, McLean, VA; Compression Works, Inc., Birmingham, AL; Convergent Clinical, Inc., Carlsbad, CA; DesiCorp, Inc., Louisville, KY; Digital Velocity Partners LLC, Chevy Chase, MD; Duquesne University of the Holy Spirit, Pittsburgh, PA; E4 Technology, Inc., Huntsville, AL; Elemance LLC, Winston Salem, NC; Endpoint Health, Palo Alto, CA; Epineuron Technologies, Inc., Mississauga, CANADA; First Nation Group LLC, Niceville, FL; Fistula Solution Corp., Scandia, MN; Global Resonance Technologies LLC, Shelburne, VT; Grande Delta Corp., Alameda, CA; GrayMatters Health Ltd., Haifa, ISRAEL; Halomine, Inc., Ithaca, NY; International Scientific Advisors, Inc. dba MilMed Connect, Beaverton, OR; JDSAT, Inc., McLean, VA; JLM ExoGrade LLC, Austin, TX; KardioGenics, Inc., San Jose, CA; Legacy US, Inc., Boise, ID; Longhorn Vaccines and Diagnostics LLC, Bethesda, MD; Longhorn Vaccines and Diagnostics LLC, Bethesda, MD; MedStar Health Research Institute, Inc., Hyattsville, MD; Muscle Activation Techniques, Englewood, CO; Nuream, Inc., Wilmington, NC; NZ Technologies, Inc., Vancouver, CANADA; Padagis US LLC, Allegan, MI; Physicent Surgical, Inc., Durham, NC; Powerboard Life Systems, Inc., San Francisco, CA; ppx-TEC LLC, Jackson, MS; RedC Biotech, Ltd., Bnei

Zion, ISRAEL; RESDEF, Inc., Chicago, IL; Sigma Genetics, Inc. Seattle, WA; Soar Technology LLC, Ann Arbor, MI; Sperry Bio, Inc., Springfield, VT; Sterogene Bioseparations, Inc., Carlsbad, CA; Sutton’s Creek, Westlake, CA; Syracuse University, Syracuse, NY; Tachmed, Inc., New York, NY; Texas Christian University, Fort Worth, TX; The Huntsman Mental Health Foundation, Salt Lake City, UT; Turner Imaging Systems, Orem, UT; University of Alabama, Huntsville, Huntsville, AL; University of Chicago, Chicago, IL; University of Texas Southwestern Medical Center, Dallas, TX; Vascarta Inc., Short Hills, NJ; Vaxart, Inc., South San Francisco, CA; Vaxxas, Cambridge, MA; Verndari, Inc., Rancho, Cordova, CA; Vigor Medical Technologies, Ltd., Haifa, ISRAEL; Virpax Pharmaceuticals, Inc., Berwyn, PA; Vivosang, Inc., Santa Fe, NM; and Xtory, Inc., Arlington, 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 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 October 2, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 15, 2023 (88 FR 86932).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024-02255 Filed 2-5-24; 8:45 am]

BILLING CODE

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Grid Alliance, Inc.

Notice is hereby given that, on November 16, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Open Grid Alliance, Inc. (“OGA”) 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, CommScope, Inc., Hickory, NC, 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 OGA intends to file additional written notifications disclosing all changes in membership.

On March 31, 2022, OGA 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 May 12, 2022 (87 FR 29180).

The last notification was filed with the Department on August 30, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 15, 2023 (88 FR 86930).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024-02261 Filed 2-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on January 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"), The Open Group, L.L.C. ("TOG") 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, Abu Dhabi National Oil Company (Adnoc) P.J.S.C., Abu Dhabi, UNITED ARAB EMIRATES; AeroVironment Inc., Simi Valley, CA; Architects Zone Education Technology Ltd, Shanghai, CHINA; Beijing UNO Technology Co., Ltd; Beijing, CHINA; Belken Consulting LLC, Knoxville, TN; Bevilacqua Research Corporation, Huntsville, AL; CMC Electronics, Inc., Montreal, CANADA; Corva AI, LLC, Houston, TX; EV Offshore Ltd, Norwich, UNITED

KINGDOM; ExitCertified LLC, El Dorado Hills, CA; Frontgrade Technologies LLC, Colorado Springs, CO; Go Cloud Careers, LLC, Port St Lucie, FL; Hiller Measurements, Inc., Austin, TX; Honda R & D Europe (U.K.), Ltd, Reading, UNITED KINGDOM; IB SA, Paris, FRANCE; Mana'olana International, LLC, Honolulu, HI; Mannarino Systems & Software Inc., St. Laurent, CANADA; Metrea Algorithmics, Annapolis Junction, MD; Noble Artificial Intelligence, Inc., San Francisco, CA; Numberline Security, LLC, Lexington, MA; Owl Cyber Defense Solutions, LLC, Columbia, MD; Palantir USG, Inc., Palo Alto, CA; PeopleTec, Inc., Huntsville, AL; Project Canary, PBC, Denver CO; Pumpedu s.r.o., Prague, CZECH REPUBLIC; Rabukasoft Inc., Miura-Gun, JAPAN; Santos Limited, Adelaide, AUSTRALIA; SBM Offshore Group, Monaco, MONACO; Spectra A&D Acquisition, Inc., Alpharetta, GA; StrataData Ltd, Ashford, UNITED KINGDOM; SubsurfaceAI Inc., Calgary, CANADA; Trellisware Technologies, Inc., San Diego, CA; Trillium Engineering, Hood River, OR; Two Ravens Consulting, Calgary, CANADA; and Virtual Marine Technology, Inc., Paradise, CANADA have been added as parties to this venture.

Also, Asesorías y Desarrollos Corporativos S.A., San José, COSTA RICA; B3 Insight Inc., Denver, CO; Booz Allen Hamilton, Linthicum, MD; Capricorn Energy Holdings Limited, Edinburgh, UNITED KINGDOM; CloudReplica, Houston, TX; Craytive Technologies BV, Vlaardingen, THE NETHERLANDS; Cyient, Inc., Melbourne, FL; Desmond Fitzgerald & Associates T/A Intrepid Geophysics, Brighton, AUSTRALIA; eDrilling, Stavanger, NORWAY; Energy Research & Innovation Newfoundland & Labrador, Newfoundland & Labrador, CANADA; Enterprise Architecture Training LLC, Cuming, GA; Enthought, Inc., Austin, TX; Harmony Solutions Limited, Westlands, KENYA; Innovative Enterprise Architects, Pune, INDIA; Iron Wolf Software Corp, Huntington Beach, CA; KeyCaliber, Inc., Washington, DC; Mult Services MG Tecnologia e, Informatica Ltda, Belo Horizonte, BRAZIL; Pacific Star Communications, Inc., Portland, OR; Pariveda Solutions, Inc., Dallas, TX; Saab, Inc., East Syracuse, NY; SAS Management, Inc., Makati City, PHILIPPINES; Sustainable Evolution, Inc., Seattle, WA; Tangram Flex, Inc., Dayton, OH; Visure Solutions, Inc., San Francisco, CA; wehyve GmbH, Braunschweig, GERMANY; Woodside Energy Ltd., Perth, AUSTRALIA; and WX Geo

Services Sdn. Bhd., Kuala Lumpur, MALAYSIA 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 TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG 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 13, 1997 (62 FR 32371).

The last notification was filed with the Department on September 29, 2023. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 15, 2023 (88 FR 86940).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2024-02282 Filed 2-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Integrated Photonics Institute for Manufacturing Innovation Operating Under the Name of the American Institute for Manufacturing Integrated Photonics

Notice is hereby given that, on December 22, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), The Integrated Photonics Institute for Manufacturing Innovation operating under the name of the American Institute for Manufacturing Integrated Photonics ("AIM Photonics") 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, CSPEED, Inc., Palo Alto, CA; Rensselaer Polytechnic Institute, Troy, NY; and University of Maryland Baltimore County, Baltimore, MD, 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 AIM Photonics intends to file additional written notifications disclosing all changes in membership.

On June 16, 2016, AIM Photonics 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 25, 2016 (81 FR 48450).

The last notification was filed with the Department on October 11, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 15, 2023 (88 FR 86938).

Suzanne Morris,
Deputy Director Civil Enforcement Operations, Antitrust Division.
[FR Doc. 2024-02256 Filed 2-5-24; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On January 29 and 30, 2024, the Department of Justice filed a Complaint under the Clean Water Act and lodged a proposed Consent Decree with the United States District Court for the Western District of Oklahoma in the lawsuit entitled *United States of America v. Holly Energy Partners-Operating, L.P., et al.*, Civil Action No. 5:24-cv-00107.

The Complaint alleges that the defendants, Dallas, Texas-based Holly Energy Partners-Operating, L.P., and Osage Pipe Line Company LLC, are civilly liable for violations of section 309 and 311 of the Clean Water Act, 33 U.S.C. 1319, 1321. The Complaint addresses the discharge of about 300,000 gallons of crude oil from the Osage pipeline into Skull Creek near Cushing, Oklahoma, on July 8, 2022. Osage Pipe Line Company owns the 135-mile-long, 20-inch-diameter pipeline that transports crude oil from a tank farm in Cushing, Oklahoma, to the HollyFrontier refinery in El Dorado, Kansas. Holly Energy Partners-Operating is the operator of the pipeline.

The Complaint alleges the spill occurred when a segment of the pipeline ruptured adjacent to Skull Creek about five miles north of Cushing. From the point of the discharge, Skull Creek flows about three more miles before entering the Cimarron River. The pipeline was operating at the time of the rupture and discharged about 300,000 gallons (7,110 barrels) of crude oil into

the creek. The land where the rupture occurred, and the adjacent downstream parcel that the creek runs through, are both allotment lands owned by members of the Sac and Fox Nation.

Under the proposed Consent Decree, the companies will pay \$7.4 million in civil penalties. The Consent Decree also requires the defendants to perform corrective measures to remedy the violations. The companies will be required to complete the cleanup and remediation of the impacted area, improve their pipeline integrity management program, provide additional training for all their control room operators, expand their spill notification efforts for tribal governments with land interests within the footprint of the pipeline, and submit periodic compliance reports to the Environmental Protection Agency and the Department of Justice.

The penalties paid in this case will be deposited in the federal Oil Spill Liability Trust Fund managed by the National Pollution Funds Center. The Oil Spill Liability Trust Fund is used to pay for federal response activities and to compensate for damages when there is a discharge or substantial threat of discharge of oil or hazardous substances to waters of the United States or adjoining shorelines.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. Holly Energy Partners-Operating, L.P., et al.*, D.J. Ref. No. 90-5-1-1-12810. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted by either email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Any comments submitted in writing may be filed in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed 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.

Thomas Carroll,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
[FR Doc. 2024-02339 Filed 2-5-24; 8:45 am]
BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

[OMB Number 1140-0030]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Records and Supporting Data: Importation, Receipt, Storage, and Disposition by Explosives Importers, Manufacturers, Dealers, and Users Licensed

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 8, 2024.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, contact: Michael O'Lena, Explosives Industry Programs Branch, either by mail at 99 New York Avenue NE, Room 6.N.518, Washington, DC 20226, by email at eipb-informationcollection@atf.gov or telephone at 202-648-7120.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

- 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: These records show daily activities in the importation, manufacture, receipt, storage, and disposition of all explosive materials covered under 18 U.S.C. chapter 40. The records are used to show where and to

whom explosives materials are distributed.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Records and Supporting Data: Importation, Receipt, Storage, and Disposition by Explosives Importers, Manufacturers, Dealers, and Users Licensed.

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: *Form number:* None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. Affected public who will be asked or required to respond, as well as the obligation to respond: *Affected Public:* Private Sector-for or not for profit

institutions, Federal Government. The obligation to respond is mandatory per 18 U.S.C. 842(f), (g), (j), (k), 843(f) and 847, and are established in the manner set forth in 27 CFR 555.121–129.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An estimated 9,096 respondents will prepare records for this information collection once annually, and it will take each respondent approximately 12.6 hours to prepare the required records.

6. An estimate of the total annual burden (in hours) associated with the collection: The estimated annual public burden associated with this collection is 573,048 hours, which is equal to 573,048 (total respondents) * 1 (# of response per respondent) * 12.6 (# of hours per response).

7. An estimate of the total annual cost burden associated with the collection, if applicable: \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response (hours)	Total annual burden (hours)
OMB 1140–0030	9,096	1	45,480	12.6	573,048
<i>Unduplicated Totals</i> .....	.....	.....	.....	.....	.....

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: February 1, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–02394 Filed 2–5–24; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Partial Consent Decree Under the Clean Water Act

On January 30, 2024, the Department of Justice lodged a proposed Partial Consent Decree with the United States District Court for the District of Guam in the lawsuit entitled *United States v. Guam Waterworks Authority and the Government of Guam*, Civil Action No. 04–00004.

The United States filed a lawsuit under the Clean Water Act, alleging that Guam Waterworks Authority (“GWA”) violated the Act and the terms and conditions of applicable permits by discharging excess pollutants from and failing to maintain its wastewater system. The complaint seeks injunctive relief and civil penalties. The partial settlement requires GWA to implement an estimated \$400 million in wastewater collection system improvements and to conduct a feasibility study for improvements to the Hagåtña wastewater treatment plant. The partial Consent Decree does not resolve the United States’ claims for civil penalties or further injunctive relief related to GWA’s wastewater collection system or treatment technology upgrades to the Hagåtña wastewater treatment plant. The Government of Guam is also a party to the lawsuit and the settlement.

The publication of this notice opens a period for public comment on the partial Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Guam Waterworks Authority and the Government of Guam*, D.J. Ref. No. 90–5–1–1–11696. 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:

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.

During the public comment period, the partial Consent Decree may be examined and downloaded at this Justice Department website: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the partial Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$19.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy

without the exhibits and signature pages, the cost is \$17.50.

Lori Jonas,
Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024-02338 Filed 2-5-24; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Information Collection Activities;
Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that the requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the “Report on Current Employment Statistics.” A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before April 8, 2024.

ADDRESSES: Send comments to Carol Rowan, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room G225, 2 Massachusetts Avenue NE, Washington,

DC 20212. Written comments also may be transmitted by email to BLS_PRA_Public@bls.gov.

FOR FURTHER INFORMATION CONTACT: Carol Rowan, BLS Clearance Officer, 202-691-7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Current Employment Statistics (CES) program provides current monthly statistics on employment, hours, and earnings, by industry and geography. CES estimates are among the most visible and widely-used Principal Federal Economic Indicators (PFEIs). CES data are also among the timeliest of the PFEIs, with their release each month by the BLS in the *Employment Situation*, typically on the first Friday of each month. The statistics are fundamental inputs in economic decision processes at all levels of government, private enterprise, and organized labor.

The CES monthly estimates of employment, hours, and earnings are based on a sample of U.S. nonagricultural establishments. Information is derived from approximately 349,000 reports (from a sample of 122,000 employers with State Unemployment Insurance (UI) accounts comprised of 666,000 individual worksites). Each month, firms report their employment, payroll, and hours on forms identified as the BLS-790. The sample is collected under a probability-based design. Puerto Rico and the Virgin Islands collect an additional 8,800 reports.

A list of all form types currently used appears in the table below. Respondents receive variations of the basic collection forms, depending on their industry.

The CES program is a voluntary program under Federal statute. Reporting to the State agencies is voluntary in all but four States (California, New Mexico, Oregon, and South Carolina), Puerto Rico, and the Virgin Islands. To our knowledge, the States that do have mandatory reporting rarely exercise their authority. The collection form’s confidentiality statement cites the Confidential

Information Protection and Statistical Efficiency Act and mentions the State mandatory reporting authority.

II. Current Action

Office of Management and Budget clearance is being sought for the Report on Current Employment Statistics.

Automated data collection methods are now used for most of the CES sample. Approximately 124,000 reports are received through Electronic Data Interchange (EDI). Web data collection accounts for 26,000 reports. Computer Assisted Telephone Interviewing (CATI) is used to collect 66,000.

The balance of the sample is collected through other methods including submission of transcripts, emails, fax, and other special arrangements.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- 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.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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.

Title of Collection: Report on Current Employment Statistics.

OMB Number: 1220-0011.

Type of Review: Revision of a currently approved collection.

Affected Public: State or local governments; businesses or other for profit; non-profit institutions.

Industry	Number of annual reports	Frequency	Total annual responses	Estimated average annual burden (hours)	Estimated total annual burden (hours)
Natural Resources & Mining	718	12	8,616	0.167	1,439
Construction	7,742	12	92,904	0.167	15,515
Manufacturing	6,223	12	74,676	0.167	12,471
Services	80,425	12	965,100	0.167	161,172
Public Administration	29,241	12	350,892	0.100	35,089
Education	13,786	12	165,432	0.100	16,543

Industry	Number of annual reports	Frequency	Total annual responses	Estimated average annual burden (hours)	Estimated total annual burden (hours)
EDI Firms	124,349	12	*1,044	1.000	1,044
All Industries	262,484		1,658,664		243,273

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, on January 29, 2024.

Eric Molina,

*Chief, Division of Management Systems,
Branch of Policy Analysis.*

[FR Doc. 2024-02269 Filed 2-5-24; 8:45 am]

BILLING CODE 4510-24-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-24-0002; NARA-2024-013]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by March 25, 2024.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: <https://www.regulations.gov/docket/NARA-24-0002/document>. This is a direct link to the schedules posted in the docket for this notice on *regulations.gov*. You may submit comments by the following method:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the

docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a ‘comment’ button so you can comment on that specific schedule. For more information on *regulations.gov* and on submitting comments, see their FAQs at <https://www.regulations.gov/faq>.

If you are unable to comment via *regulations.gov*, you may email us at request.schedule@nara.gov for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule’s entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT:

Eddie Germino, Strategy and Performance Division, by email at regulation_comments@nara.gov or at 301-837-3758. For information about records schedules, contact Records Management Operations by email at request.schedule@nara.gov or by phone at 301-837-1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as “other” documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket, unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact request.schedule@nara.gov for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on *regulations.gov* a “Consolidated Reply” summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at <https://www.archives.gov/records-mgmt/rcs>, after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA’s approval. Once approved by NARA, records schedules

provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Defense, Defense Contract Audit Agency, Records related to Security and Intelligence (DAA-0372-2022-0001).

2. Department of Health and Human Services, Food and Drug Administration, FDA Inspector Credential Records (DAA-0088-2024-0004).

3. Department of Health and Human Services, Agency-wide, Official Correspondence Files of the Secretary (DAA-0468-2023-0002).

4. Department of Health and Human Services, Office of Medicare Hearings and Appeals, Administrative Law Judge and Attorneys Files (DAA-0468-2023-0003).

5. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Buprenorphine Waiver Notification System (DAA-0511-2024-0001).

6. Department of Homeland Security, Federal Emergency Management Agency, Mission Training Records (DAA-0311-2022-0001).

7. Department of Homeland Security, U.S. Citizenship and Immigration Services, Teacher Training for Citizenship Education Records (DAA-0566-2022-0002).

8. Department of Homeland Security, U.S. Customs and Border Protection, Promissory Notes (DAA-0568-2023-0003).

9. Department of the Navy, Agency-wide, Telecommunications and Information Technology (DAA-NU-2019-0009).

10. Department of Transportation, Federal Transit Administration, Office of Information Technology WebApps (DAA-0408-2020-0002).

11. Central Intelligence Agency, Agency-wide, Mission Related Data (DAA-0263-2018-0001).

12. National Security Agency, Agency-wide, Transaction Monitoring (DAA-0457-2024-0001).

13. Securities and Exchange Commission, Office of Chief Operating Officer, SEC Policies Relating to the Use of Alcoholic Beverages in SEC (DAA-0266-2024-0001).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2024-02323 Filed 2-5-24; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: 2028-2032 IMLS Grants to States Program Five-Year State Plan Guidelines for State Library Administrative Agencies

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB Review, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS) announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. This notice proposes the clearance of the 2028-2032 IMLS Grants to States Program Five-Year State Plan Guidelines for State Library Administrative Agencies. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **FOR**

FURTHER INFORMATION CONTACT section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before March 8, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Institute of Museum and Library Services" under "Currently Under Review;" then check "Only Show ICR for Public Comment" checkbox. Once you have found this information collection request, select "Comment," and enter or upload your comment and information. Alternatively, please mail your written comments to the Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395-7316.

OMB is particularly interested in comments that help the agency to:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

FOR FURTHER INFORMATION CONTACT: Teri DeVoe, Associate Deputy Director of State Programs, Office of Library Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024-2135. Ms. DeVoe can be reached by telephone at 202-653-4778, or by email at tdevoe@imls.gov. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202-207-7858 via 711 for TTY-Based Telecommunications Relay Service.

SUPPLEMENTARY INFORMATION:

I. Background

IMLS is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to work together to transform the lives of individuals and communities. To learn more, visit www.imls.gov.

II. Current Actions

This Notice proposes the clearance of the 2028–2032 IMLS Grants to States Program Five-Year State Plan Guidelines for State Library Administrative Agencies. The Grants to States program is the largest grant program administered by IMLS, providing financial assistance to develop library services throughout the states, U.S. territories, and the Freely Associated States. Using a population based formula, around \$180 million is distributed among the State Library Administrative Agencies (SLAAs) every year. SLAAs are official agencies charged by law with the extension and development of library services, and they are located in:

- Each of the 50 states of the United States, and the District of Columbia;
- The territories (the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and
- The Freely Associated States (the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau).

Each year, approximately 1,500 Grants to States projects support the purposes and priorities outlined in the Library Services and Technology Act. (See 20 U.S.C. 9121–9165) SLAAs may use the funds to support statewide initiatives and services, and they may also distribute the funds through competitive subawards (e.g., subgrants or cooperative agreements) to public, academic, research, school, or special libraries or library consortia (for-profit and Federal libraries are not eligible). Each SLAA must submit a plan that details library services goals for a five-year period. (20 U.S.C. 9134). SLAAs must also conduct a five-year evaluation of library services based on that plan. These plans and evaluations are the foundation for improving practice and informing policy. Each SLAA receives IMLS funding to support the five-year

period through a series of overlapping, two-year grant awards.

The 60-day Notice was published in the **Federal Register** on December 1, 2023 (88 FR 83975) (Document Number 2023–26487). The agency received no comments under this Notice.

Agency: Institute of Museum and Library Services.

Title: 2028–2032 IMLS Grants to States Program Five-Year State Plan Guidelines for State Library Administrative Agencies.

OMB Number: 3137–0029.

Frequency: Once every five years.

Affected Public: State and Territory Library Administrative Agencies.

Number of Respondents: 59.

Estimated Average Burden per Response: 90 hours.

Estimated Total Burden: 5,310 hours.

Total Annualized Capital/Startup

Costs: n/a.

Total Cost Burden: \$165,354.

Total Federal Costs: \$10,821.

Dated: February 1, 2024.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2024–02412 Filed 2–5–24; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. These meetings will primarily take place at NSF's headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF

will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF website: <https://new.nsf.gov/events/proposal-review-panels>.

This information may also be requested by telephoning 703/292–8687.

Dated: February 1, 2024.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2024–02335 Filed 2–5–24; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meetings

TIME AND DATE: 9:30 a.m. EDT, Wednesday, February 21, 2024.

PLACE: Virtual.

STATUS: The one item may be viewed by the public through webcast only.

MATTERS TO BE CONSIDERED:

70760 Highway Investigative Report—Collapse of the Fern Hollow Bridge, Pittsburgh, Pennsylvania, January 28, 2022.

CONTACT PERSON FOR MORE INFORMATION:

Candi Bing at (202) 590–8384 or by email at bingc@ntsb.gov.

Media Information Contact: Sarah Sulick by email at sarah.sulick@ntsb.gov or at (202) 314–6100.

This meeting will take place virtually. The public may view it through a live or archived webcast by accessing a link under “Upcoming Events” on the NTSB home page at www.ntsb.gov.

Schedule updates, including weather-related cancellations, are also available at www.ntsb.gov.

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: February 1, 2024.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2024–02411 Filed 2–2–24; 11:15 am]

BILLING CODE 7533–01–P

PEACE CORPS**Information Collection Request;
Submission for OMB Review****AGENCY:** Peace Corps**ACTION:** 30-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 30 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before March 7, 2024.

ADDRESSES: Comments should be addressed to James Olin, FOIA/Privacy Act Officer. James Olin can be contacted by email at pcf@peacecorps.gov or by telephone at (202) 692-2507. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT:

James Olin, Peace Corps, at pcf@peacecorps.gov or by telephone at (202) 692-2507.

SUPPLEMENTARY INFORMATION:

Title: Campus Ambassadors Exit Survey.

OMB Control Number: 0420-***.

Type of Request: New.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. *Number of respondents:* 85,917.

b. *Frequency of response:* 1 time.

c. *Completion time:* 20 minutes.

d. *Annual burden hours:* 28,197 hours.

General Description of Collection:

Peace Corps Campus Ambassadors are university students who work closely with Peace Corps recruiters to raise the Peace Corps' profile on campus and introduce the Peace Corps to new and diverse student groups. The program, managed by the Peace Corps' Office of University Programs, is made in formal partnership with educational institutions across the United States. The Office of University Programs requires each Campus Ambassador to complete an annual survey to ensure they are meeting the requirements agreed upon in their application. Collection of this information allows the Peace Corps Office of University Programs to ensure the Campus

Ambassadors are meeting the requirements of the program to assist recruiters. Although this collection is called an "Exit Survey" no statistical methods are employed.

Request for Comment: The Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity 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 automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on February 1, 2024.

James Olin,

FOIA/Privacy Act Officer.

[FR Doc. 2024-02302 Filed 2-5-24; 8:45 am]

BILLING CODE 6051-01-P

PEACE CORPS**Information Collection Request;
Submission for OMB Review****AGENCY:** Peace Corps.**ACTION:** 30-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 30 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before March 7, 2024.

ADDRESSES: Comments should be addressed to James Olin, FOIA/Privacy Act Officer. James Olin can be contacted by email at pcf@peacecorps.gov or by telephone at (202) 692-2507. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT:

James Olin, Peace Corps, at pcf@peacecorps.gov or by telephone at (202) 692-2507.

SUPPLEMENTARY INFORMATION:

Title: Annual Coverdale Fellows Census.

OMB Control Number: 0420-***.

Type of Request: New.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. *Number of respondents:* 223.

b. *Frequency of response:* 1 time.

c. *Completion time:* 15 minutes.

d. *Annual burden hours:* 55.75 hours.

General Description of Collection: The Paul D. Coverdell Fellows program is a graduate school benefit for returned Peace Corps Volunteers (RPCVs). The program, managed by the Peace Corps Office of University Programs, is made in formal partnership with graduate degree granting educational institutions across the United States. The partnering institutions are required to offer financial support to RPCVs who, in turn, complete substantive internships related to their program of study in underserved communities in the United States. The Office of University Programs requires each Coverdell Fellow partner university to submit an annual Census Report to ensure it is meeting the requirements agreed upon in its signed standard Memorandum of Agreement between the Peace Corps and the institution. Collection of this information allows the Peace Corps Office of University Programs to ensure the university is providing all the necessary benefits and support to the Fellows (RPCV graduate school students) enrolled in the program. Although this collection is called a "Census Report" no statistical methods are employed.

Request for Comment: The Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity 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 automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on February 1, 2024.

James Olin,

FOIA/Privacy Act Officer.

[FR Doc. 2024-02303 Filed 2-5-24; 8:45 am]

BILLING CODE 6051-01-P

**OFFICE OF PERSONNEL
MANAGEMENT****Submission for Review: Report of
Medical Examination of Person
Electing Survivor Benefits, OPM 1530,
3206–0162**

AGENCY: Office of Personnel
Management.

ACTION: 30-Day notice and request for
comments.

SUMMARY: In accordance with the
Paperwork Reduction Act of 1995, the
Office of Personnel Management (OPM)
is proposing an extension to a currently
approved information collection: OMB
Control Number 3206–0162, Report of
Medical Examination of Person Electing
Survivor Benefits, OPM 1530.

DATES: Comments are encouraged and
will be accepted until March 7, 2024.

ADDRESSES: Written comments and
recommendations for the proposed
information collection should be sent
within 30 days of publication of this
notice to [http://www.reginfo.gov/public/
do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular
information collection request by
selecting “Office of Personnel
Management” under “Currently Under
Review,” then check “Only Show ICR
for Public Comment” checkbox.

FOR FURTHER INFORMATION CONTACT: For
specific questions related to this
information collection activities, please
contact: Retirement Services
Publications Team, Office of Personnel
Management, 1900 E Street NW, Room
3316–L, Washington, DC 20415,
Attention: Cyrus S. Benson, or sent via
electronic mail to
RSPublicationsTeam@opm.gov or faxed
to (202) 606–0910 or via telephone at
(202) 936–0401.

SUPPLEMENTARY INFORMATION: OPM, in
accordance with the Paperwork
Reduction Act of 1995 (PRA) (44 U.S.C.
3506(c)(2)(A)), provides the public with
an opportunity to comment on
proposed, revised, and continuing
collections of information. This helps
the Agency assess the impact of its
information collection requirements and
minimize the public’s reporting burden.
It also helps the public understand the
Agency’s information collection
requirements and provide the requested
data in the desired format. OPM is
soliciting comments on the proposed
information collection request (ICR) that
is described below.

The Agency is especially interested in
public comment addressing the
following issues: (1) Is this collection
necessary to the proper functions of the
Agency; (2) will this information be

processed and used in a timely manner;
(3) is the estimate of burden accurate;
(4) how might the Agency enhance the
quality, utility, and clarity of the
information to be collected; and (5) how
might the Agency 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.

Analysis

Agency: Retirement Operations,
Retirement Services, Office of Personnel
Management.

Title: Report of Medical Examination
of Person Electing Survivor Benefits.

OMB Number: 3206–0162.

Affected Public: Individuals or
Households.

Number of Respondents: 500.

Estimated Time per Respondent: 90
minutes.

Total Burden Hours: 750.

Office of Personnel Management.

Kayyonne Marston,

Federal Register Liaison.

[FR Doc. 2024–02320 Filed 2–5–24; 8:45 am]

BILLING CODE 6325–38–P

**SECURITIES AND EXCHANGE
COMMISSION**

**[SEC File No. 270–213, OMB Control No.
3235–0220]**

**Submission for OMB Review;
Comment Request; Extension: Rule
30b2–1**

*Upon Written Request, Copies Available
From:* Securities and Exchange
Commission, Office of FOIA Services,
100 F Street NE, Washington, DC
20549–2736

Notice is hereby given that, pursuant
to the Paperwork Reduction Act of 1995
(44 U.S.C. 3501 *et seq.*), the Securities
and Exchange Commission (the
“Commission”) has submitted to the
Office of Management and Budget
(“OMB”) a request for extension of the
previously approved collection of
information discussed below.

Rule 30b2–1 (17 CFR 270.30b2–1)
under the Investment Company Act of
1940 (15 U.S.C. 80a–1 *et seq.*) (the
“Investment Company Act”) requires a
registered management investment
company (“fund”) to (1) file a report
with the Commission on Form N–CSR
(17 CFR 249.331 and 274.128) not later
than 10 days after the transmission of
any report required to be transmitted to
shareholders under rule 30e–1 under
the Investment Company Act, and (2)

file with the Commission a copy of
every periodic or interim report or
similar communication containing
financial statements that is transmitted
by or on behalf of such fund to any class
of such fund’s security holders and that
is not required to be filed with the
Commission under (1), not later than 10
days after the transmission to security
holders. The purpose of the collection of
information required by rule 30b2–1 is
to meet the disclosure requirements of
the Investment Company Act and
certification requirements of the
Sarbanes-Oxley Act of 2002 (Pub. L.
107–204, 116 Stat. 745 (2002)) and to
provide investors with information
necessary to evaluate an interest in the
fund.

The Commission estimates that there
are 2,728 funds, with a total of
approximately 13,449 portfolios, that
are governed by the rule. For purposes
of this analysis, the burden associated
with the requirements of rule 30b2–1
has been included in the collection of
information requirements of rule 30e–1
(17 CFR 270.30e–1) and Form N–CSR,
rather than the rule. The rule 30b2–1
information collection, however,
imposes a one hour burden for
administrative purposes and we are
maintaining that one hour burden.

The collection of information under
rule 30b2–1 is mandatory. The
information provided under rule 30b2–
1 is not kept confidential. An agency
may not conduct or sponsor, and a
person is not required to respond to, a
collection of information unless it
displays a currently valid OMB control
number.

The public may view background
documentation for this information
collection at the following website:
www.reginfo.gov. Find this particular
information collection by selecting
“Currently under 30-day Review—Open
for Public Comments” or by using the
search function. Written comments and
recommendations for the proposed
information collection should be sent
within 30 days of publication of this
notice by March 8, 2024 to (i)
[MBX.OMB.OIRA.SEC_desk_officer@
omb.eop.gov](mailto:MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov) and (ii) David Bottom,
Director/Chief Information Officer,
Securities and Exchange Commission,
c/o John Pezzullo, 100 F Street NE,
Washington, DC 20549, or by sending an
email to: PRA_Mailbox@sec.gov.

Dated: February 1, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–02355 Filed 2–5–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99452; File No. SR–NASDAQ–2024–003]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7, Section 3

January 31, 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 January 16, 2024, The Nasdaq Stock Market LLC (“Nasdaq” 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 Nasdaq Options Market LLC’s (“NOM”) Rules at Options 7, Section 3, Nasdaq Options Market—Ports and Other Services.³

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 Options 7, Section 3, Nasdaq Options Market—Ports and Other Services. Specifically, the Exchange proposes to amend Options 7, Section 3(i) to increase the per port, per month SQF Port⁴ and SQF Purge⁵ Port Fees for all ports over 20 ports (21 and above) from \$500 to \$750.⁶

Today, NOM assesses SQF Ports and SQF Purge Ports a per port, per month fee based on a tiered fee schedule. Specifically, NOM assesses an SQF Port and an SQF Purge Port fee of \$1,500 per port, per month for the first 5 ports (1–5), a \$1,000 per port, per month fee for the next 15 ports (6–20), and a \$750 per port, per month fee for all ports over 20 ports (21 and above).

The Exchange proposes to amend the per port, per month fee for SQF Ports and SQF Ports above 20 ports (21 and above) from \$500 to \$750 per port, per month. The Exchange is not amending the SQF Port and SQF Purge Port fees for ports below 20 ports. SQF Ports and SQF Purge Ports over 20 ports are unnecessary for a NOM Market Maker to fulfill its regulatory requirements.⁷ A NOM Market Maker requires only one SQF Port to submit quotes in its assigned options series into NOM. A NOM Market Maker may submit all quotes through one SQF Port and utilize one SQF Purge Port to view its purge requests. While a NOM Market Maker may elect to obtain multiple SQF Ports and SQF Purge Ports to organize its

business,⁸ only one SQF Port and SQF Purge Port is necessary for a NOM Market Maker to fulfill its regulatory quoting obligations.⁹

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁰ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹¹ in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed pricing change to increase the maximum SQF Port and SQF Purge Port Fees is reasonable in several respects. 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 fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers.’ . . .”¹²

The Commission and the courts have repeatedly expressed their preference for competition over regulatory

⁴ “Specialized Quote Feed” or “SQF” is an interface that allows Market Makers to connect, send, and receive messages related to quotes and Immediate-or-Cancel Orders into and from the Exchange. Features include the following: (1) options symbol directory messages (e.g., underlying instruments); (2) system event messages (e.g., start of trading hours messages and start of opening); (3) trading action messages (e.g., halts and resumes); (4) execution messages; (5) quote messages; (6) Immediate-or-Cancel Order messages; (7) risk protection triggers and purge notifications; and (8) opening imbalance messages. The SQF Purge Interface only receives and notifies of purge requests from the Market Maker. Market Makers may only enter interest into SQF in their assigned options series. Immediate-or-Cancel Orders entered into SQF are not subject to the Order Price Protection, Market Order Spread Protection, or Size Limitation in Options 3, Section 15(a)(1) and (a)(2), and (b)(2), respectively. See Options 3, Section 7(e)(1)(B).

⁵ SQF Purge is a specific port for the SQF interface that only receives and notifies of purge requests from the NOM Market Maker.

⁶ The Exchange also proposes a technical amendment to remove an extraneous period in Options 7, Section 3 in the second paragraph.

⁷ See NOM Options 2, Sections 4 and 5.

⁸ For example, a NOM Market Maker may desire to utilize multiple SQF Ports for accounting purposes, to measure performance, for regulatory reasons or other determinations that are specific to that NOM Participant. The Exchange notes that 78% of NOM Market Makers pay the \$1,000 per port, per month fee for 6–20 ports and 39% pay the proposed \$750 per port, per month fee for over 20 ports.

⁹ NOM Market Makers have various regulatory requirements as provided for in Options 2, Section 4. Additionally, NOM Market Makers have certain quoting requirements with respect to their assigned options series as provided in Options 2, Section 5. The Exchange notes that SQF Ports are the only quoting protocol available on NOM and only NOM Market Makers may utilize SQF Ports. The same is true for SQF Purge Ports.

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(4) and (5).

¹² *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ The Exchange initially filed the proposed pricing changes on November 28, 2023 (SR–NASDAQ–2023–050) to be effective on December 1, 2023. On December 5, 2023, the Exchange withdrew SR–NASDAQ–2023–050 and placed it with SR–NASDAQ–2023–054. On January 16, 2024, the Exchange withdrew SR–NASDAQ–2023–054 and submitted this filing.

intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹³

Numerous indicia demonstrate the competitive nature of this market. 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 that increasing the fee for SQF Ports and SQF Purge Ports over 20 ports (21 and above) from \$500 to \$750 per port, per month is reasonable because SQF Ports and SQF Purge Ports over 20 ports are unnecessary for a NOM Market Maker to fulfill its regulatory requirements.¹⁴ A NOM Market Maker requires only one SQF Port to submit quotes in its assigned options series into NOM. A NOM Market Maker may submit all quotes through one SQF Port and utilize one SQF Purge Port to view its purge requests. While a NOM Market Maker may elect to obtain multiple SQF Ports and SQF Purge Ports to organize its business,¹⁵ only one SQF Port and SQF Purge Port is necessary for a NOM Market Maker to fulfill its regulatory quoting obligations. Additionally, the Exchange believes the proposed SQF Port and SQF Purge Port fee increases are reasonable for two reasons.

First, SQF Ports are a secure method for Market Makers to submit quotes into the Exchange’s match engine and for the Exchange to send messages related to those quotes to Market Makers. NOM must manage the security and message traffic, among other things, for each port. Amending the SQF Port and SQF Purge Port tiered fees to manage a Market Maker’s costs while also managing the quantity of SQF Ports and SQF Purge Ports issued on NOM has led the Exchange to increase the tier for all ports over 20 ports to \$750 per port, per month. Lowering the fee for SQF Ports

and SQF Purge Ports over 20 ports allows the Exchange to manage message traffic and message rates associated with the current number of outstanding SQF Port and SQF Purge Ports and consider the Exchange’s ability to process messages. The ability to manage ports through pricing permits the Exchange to scale its needs with respect to processing messages in an efficient manner.

Second, the Exchange notes that multiple ports are not necessary, however, to the extent that some Market Makers elect to obtain multiple ports, the Exchange is offering to lower their fees for SQF Ports and SQF Purge Ports over 20 ports, per month. NOM believes that lowering costs for ports beyond 20 ports allows for efficiencies and permits Market Makers to increase their number of ports beyond the 20 ports. Lowering the SQF Port and SQF Purge Port fees, per month, beyond 20 ports allows those Market Makers that want to obtain a larger number of SQF Port and SQF Purge ports to do so at a lower cost. In this case, the Exchange is raising the current SQF Port and SQF Purge Port Fee for over 20 ports from \$500 to \$750 per port, per month. Despite the increase, Market Makers will continue to pay less for over 20 SQF Port and SQF Purge Ports per month if they desire to obtain multiple ports on NOM.

The Exchange believes that increasing the fee for SQF Ports and SQF Purge Ports over 20 ports (21 and above) from \$500 to \$750 per port, per month is equitable and not unfairly discriminatory because all NOM Market Makers would be assessed the same fees for SQF Ports and SQF Purge Ports to the extent that these NOM Market Makers have subscribed to more than 20 SQF Ports or SQF Purge Ports. NOM Market Makers are the only market participants that are assessed SQF Port and SQF Purge Port fees because they are the only market participants that are permitted to quote on the Exchange. Unlike other market participants, Market Makers are subject to market making and quoting obligations.¹⁶ These liquidity providers are critical market participants in that they are the only market participants that provide liquidity to NOM on a continuous basis. Providing Market Makers a means to cap their cost related to quoting and enabling all Market Makers to acquire SQF Ports and SQF Purge Ports at a lower cost beyond 20 ports enables these market participants to provide the necessary liquidity to NOM at lower costs.

In 2022, NYSE Arca, Inc. (“NYSE Arca”) proposed to restructure fees relating to OTPs for Market Makers.¹⁷ In that rule change,¹⁸ NYSE Arca argued that,

Market Makers serve a unique and important function on the Exchange (and other options exchanges) given the quote-driven nature of options markets. Because options exchanges rely on actively quoting Market Makers to facilitate a robust marketplace that attracts order flow, options exchanges must attract and retain Market Makers, including by setting competitive Market Maker permit fees. Stated otherwise, changes to Market Maker permit fees can have a direct effect on the ability of an exchange to compete for order flow. The Exchange also believes that the number of options exchanges on which Market Makers can effect option transactions also ensures competition in the marketplace and constrains the ability of exchanges to charge supracompetitive fees for access to its market by Market Makers.

Further, NYSE ARCA noted that,¹⁹

The Exchange further believes that its ability to set Market Maker permit fees is constrained by competitive forces based on the fact that Market Makers can, and have, chosen to terminate their status as a Market Maker if they deem Market Maker permit fees to be unreasonable or excessive. Specifically, the Exchange notes that a BOX participant modified its access to BOX in connection with the implementation of a proposed change to BOX’s Market Maker permit fees. The Exchange has also observed that another options exchange group experienced decreases in market share following its proposed modifications of its access fees (including Market Maker trading permit fees), suggesting that market participants (including Market Makers) are sensitive to changes in exchanges’ access fees and may respond by shifting their order flow elsewhere if they deem the fees to be unreasonable or excessive.

There is no requirement, regulatory or otherwise, that any Market Maker connect to and access any (or all of) the available options exchanges. The Exchange also is not aware of any reason why a Market Maker could not cease being a permit holder in response to unreasonable price increases. The Exchange does not assess any termination fee for a Market Maker to drop its OTP, nor is the Exchange aware of any other costs that would be incurred by a Market Maker to do so.

The Exchange likewise believes that its lower SQF Ports and SQF Purge Port monthly fees beyond 20 ports is

¹³ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

¹⁴ See NOM Options 2, Sections 4 and 5.

¹⁵ For example, a NOM Market Maker may desire to utilize multiple SQF Ports for accounting purposes, to measure performance, for regulatory reasons or other determinations that are specific to that Participant.

¹⁶ See Options 2, Sections 4 and 5.

¹⁷ See Securities Exchange Act Release No. 95412 (June 23, 2022), 87 FR 38786 (June 29, 2022) (SR–NYSEArca–2022–36). NYSE Arca proposed to increase both the monthly fee per Market Maker OTP and the number of issues covered by each additional OTP because, among other reasons, the number of issues traded on the Exchange has increased significantly in recent years.

¹⁸ *Id.* at 38788.

¹⁹ *Id.* at 38790.

constrained by competitive forces and that its proposed modifications to the SQF Port and SQF Purge Fees is reasonably designed in consideration of the competitive environment in which the Exchange operates, by balancing the value of the enhanced benefits available to Market Makers due to the current level of activity on the Exchange with a fee structure that will continue to incent Market Makers to support increased liquidity, quote competition, and trading opportunities on the Exchange, for the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The proposal does not impose an undue burden on intermarket competition. The Exchange believes its proposal remains competitive with other options markets who also offer order entry protocols. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. Other exchanges have been permitted to amend certain costs attributed to Market Makers.²⁰ Further, in 2022, MRX proposed a monthly cap for SQF Ports and SQF Purge Ports of 17,500.²¹ MRX noted in its rule change that, "Only one SQF quote protocol is required for an MRX Market Maker to submit quotes into MRX and to meet its regulatory requirements."²²

If the Commission were to apply a different standard of review this proposal than it applied to other exchange fee filings, where Market

Maker fees were increased and port fee caps were established, it would create a burden on competition such that it would impair NOM's ability to compete among other options markets.

Intramarket Competition

The Exchange believes that increasing the fee for SQF Ports and SQF Purge Ports over 20 ports (21 and above) from \$500 to \$750 per port, per month does not impose an undue burden on competition because all NOM Market Makers would be assessed the same fees for SQF Ports and SQF Purge Ports to the extent that these NOM Market Makers have subscribed to more than 20 SQF Ports or SQF Purge Ports. NOM Market Makers are the only market participants that are assessed SQF Port and SQF Purge Port fees because they are the only market participants that are permitted to quote on the Exchange. Unlike other market participants, Market Makers are subject to market making and quoting obligations.²³ These liquidity providers are critical market participants in that they are the only market participants that provide liquidity to NOM on a continuous basis. Providing Market Makers a means to cap their cost related to quoting and enabling all Market Makers to acquire SQF Ports and SQF Purge Ports at a lower cost beyond 20 ports enables these market participants to provide the necessary liquidity to NOM at lower costs. Therefore, because Market Makers fulfill a unique role on the Exchange, are the only market participant required to submit quotes as part of their obligations to operate on the Exchange, and, in light of that role, they are eligible for certain incentives. The proposed lower monthly SQF Fee and SQF Purge Port fee is designed to continue to incent Market Makers to quote on NOM, thereby promoting liquidity, quote competition, and trading opportunities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.²⁴

At any time within 60 days of the filing of the proposed rule change, the

Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2024-003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-NASDAQ-2024-003. 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

²⁰ See Securities Exchange Act Release No. 95412 (June 23, 2022), 87 FR 38786 (June 29, 2022) (SR-NYSEArca-2022-36).

²¹ See Securities Exchange Act No. 96824 (February 7, 2023), 88 FR 8975 (February 10, 2023) (SR-MRX-2023-05) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend MRX Options 7, Section 6).

²² *Id.* at 8976.

²³ See Options 2, Sections 4 and 5.

²⁴ 15 U.S.C. 78s(b)(3)(A)(ii).

submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2024–003 and should be submitted on or before February 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁵

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024–02270 Filed 2–5–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–321, OMB Control No. 3235–0358]

Proposed Collection; Comment Request; Extension: Rule 11a–3

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. 3501–3520), the Securities and Exchange Commission (the “Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 11(a) of the Investment Company Act of 1940 (“Act”) (15 U.S.C. 80a–11(a)) provides that it is unlawful for a registered open-end investment company (“fund”) or its underwriter to make an offer to the fund’s shareholders or the shareholders of any other fund to exchange the fund’s securities for securities of the same or another fund on any basis other than the relative net asset values (“NAVs”) of the respective securities to be exchanged, “unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with such rules and regulations as the Commission may have prescribed in respect of such offers.” Section 11(a) was designed to prevent “switching,” the practice of inducing shareholders of

one fund to exchange their shares for the shares of another fund for the purpose of exacting additional sales charges.

Rule 11a–3 (17 CFR 270.11a–3) under the Act is an exemptive rule that permits open-end investment companies (“funds”), other than insurance company separate accounts, and funds’ principal underwriters, to make certain exchange offers to fund shareholders and shareholders of other funds in the same group of investment companies. The rule requires a fund, among other things, (i) to disclose in its prospectus and advertising literature the amount of any administrative or redemption fee imposed on an exchange transaction, (ii) if the fund imposes an administrative fee on exchange transactions, other than a nominal one, to maintain and preserve records with respect to the actual costs incurred in connection with exchanges for at least six years, and (iii) give the fund’s shareholders a sixty day notice of a termination of an exchange offer or any material amendment to the terms of an exchange offer (unless the only material effect of an amendment is to reduce or eliminate an administrative fee, sales load or redemption fee payable at the time of an exchange).

The rule’s requirements are designed to protect investors against abuses associated with exchange offers, provide fund shareholders with information necessary to evaluate exchange offers and certain material changes in the terms of exchange offers, and enable the Commission staff to monitor funds’ use of administrative fees charged in connection with exchange transactions.

The staff estimates that there are approximately 1,379 active open-end investment companies registered with the Commission as of December 2022 (using filings made through July 2023). The staff estimates that 25 percent of these funds (345 funds) impose a non-nominal administrative fee on exchange transactions. The staff estimates that the recordkeeping requirement of the rule requires approximately 1 hour annually of clerical time (at an estimated \$73 per hour)¹ per fund, for a total of 345 hours

¹ This estimate of \$73 per hour for clerical work and the other estimated wage rates below are based on salary information for the securities industry compiled by the Securities Industry and Financial Markets Association’s Office Salaries in the

for all funds (at a total annual cost of \$25,185).²

The staff estimates that 5 percent of these 1,379 funds (or 69 funds) terminate an exchange offer or make a material change to the terms of their exchange offer each year, requiring the fund to comply with the notice requirement of the rule. The staff estimates that complying with the notice requirement of the rule requires approximately 1 hour of attorney time (at an estimated \$484 per hour) and 2 hours of clerical time (at an estimated \$73 per hour) per fund, for a total of approximately 207 hours for all funds to comply with the notice requirement (at a total annual cost of \$43,470).³ The staff estimates that such notices will be enclosed with other written materials sent to shareholders, such as annual shareholder reports or account statements, and therefore any burdens associated with mailing required notices are accounted for in the burdens associated with Form N–1A registration statements for funds.

The recordkeeping and notice requirements together impose an estimated total burden of 552 hours on all funds (at a total annual cost of \$68,655).⁴ The total number of respondents is 414, each responding once a year.⁵ The burdens associated with the disclosure requirement of the rule are accounted for in the burdens associated with the Form N–1A registration statement for funds.

Table 1 below summarizes the currently approved and updated burdens associated with rule 11a–3.

Securities Industry 2013; the estimated wage figures are modified by Commission staff to account for an 1,800-hour work-year and adjusted to account for bonuses, firm size, employee benefits, overhead, and adjusted to account for the effects of inflation.

² This estimate is based on the following calculations: (1,379 funds × 25% = 345 funds); (345 × 1 (clerical hour) = 345 clerical hours); (345 × \$73 = \$25,185 total annual cost for recordkeeping requirement).

³ This estimate is based on the following calculations: 1,379 funds × 5% = 69 funds; 69 × ((1 attorney hour × \$484 per hour) + (2 clerical hours × \$73 per hour)) = \$43,470 total annual cost.

⁴ This estimate is based on the following calculations: (207 (notice hours) + 345 (recordkeeping hours) = 552 total hours); (\$43,470 (notice costs) + \$25,185 (recordkeeping costs) = \$68,655 total annual costs).

⁵ This estimate is based on the following calculation: (345 funds responding to recordkeeping requirement + 69 funds responding to notice requirement = 414 total respondents).

²⁵ 17 CFR 200.30–3(a)(12).

TABLE 1—SUMMARY OF BURDEN ESTIMATES FOR RULE 11a–3

	Internal burden	Wage rate	Cost of internal burden
CURRENTLY-APPROVED BURDEN ESTIMATES			
Recordkeeping Requirement	1 hour	\$63/hr. (clerk)	\$63
Respondents	349 funds .....	.....	349 funds
Total	349 hours .....	.....	\$21,987
Notice Requirement	1 hour	\$419/hr. (attorney)	\$419
.....	2 hours	\$63/hr. (clerk)	\$126
Respondents	70 funds .....	.....	70 funds
Total	210 hours .....	.....	\$38,150
Total Responses (Recordkeeping + Notice)	419 .....	.....	.....
Total Burden (Recordkeeping + Notice)	559 hours .....	.....	\$60,137
UPDATED BURDEN ESTIMATES			
Recordkeeping Requirement	1 hour	\$73/hr. (clerk)	\$73
Respondents	345 funds .....	.....	345 funds
Total	345 funds .....	.....	\$25,185
Notice Requirement	1 hour	\$484/hr. (attorney)	\$484
.....	2 hours	\$73/hr. (clerk)	\$146
Respondents	69 funds .....	.....	69 funds
Total	207 hours .....	.....	\$43,470
Total Responses (Recordkeeping + Notice)	414 .....	.....	.....
Total Burden (Recordkeeping + Notice)	552 hours .....	.....	\$68,655

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by April 8, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov.

Dated: February 1, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–02358 Filed 2–5–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99447; File No. SR–FICC–2024–001]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Methodology Documents

January 30, 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 January 23, 2024, Fixed Income Clearing Corporation (“FICC”) 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 primarily by the clearing agency. FICC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and

Rule 19b–4(f)(4) 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

FICC is proposing to amend the MBSD Methodology and Model Operations Document—MBSD Quantitative Risk Model (“MBSD QRM Methodology Document”),⁵ in order to remove references to specific benchmarks used to calculate the minimum margin amount (“Minimum Margin Amount”) ⁶ and the alternative

⁴ 17 CFR 240.19b–4(f)(4).

⁵ The MBSD QRM Methodology was filed as a confidential exhibit in the rule filing and advance notice for MBSD sensitivity VaR. See Securities Exchange Act Release Nos. 79868 (Jan. 24, 2017), 82 FR 8780 (Jan. 30, 2017) (SR–FICC–2016–007) and 79843 (Jan. 19, 2017), 82 FR 8555 (Jan. 26, 2017) (SR–FICC–2016–801) (collectively, “MBSD Margin Proxy Approval Order”). The MBSD QRM Methodology has been amended. See Securities Exchange Act Release Nos. 85944 (May 24, 2019), 84 FR 25315 (May 31, 2019) (SR–FICC–2019–001), 90182 (Oct. 14, 2020), 85 FR 66630 (Oct. 20, 2020) (SR–FICC–2020–009), 92303 (Jun. 30, 2021), 86 FR 35854 (Jul. 7, 2021) (SR–FICC–2020–017) (“MBSD Minimum Margin Amount Approval Order”), 95070 (Jun. 8, 2022), 87 FR 36014 (Jun. 14, 2022) (SR–FICC–2022–002), and 97342 (Apr. 21, 2023), 88 FR 25721 (Apr. 27, 2023) (SR–FICC–2023–003).

⁶ FICC has adopted a minimum margin amount into its MBSD margin methodology. The Minimum Margin Amount uses a dynamic haircut method

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A).

volatility calculation (“Margin Proxy”)⁷ at MBSD. FICC would replace the references to specific benchmarks with a more general description. FICC is also proposing to make certain corrections and technical changes to the GSD Methodology Document—GSD Initial Market Risk Margin Model⁸ (“GSD QRM Methodology Document,” and together with the MBSD QRM Methodology Document, the “QRM

based on observed-to-be-announced (“TBA”) securities price moves and serves as a minimum MBSD value-at-risk (“VaR”) charge (“VaR Charge”) for net unsettled positions, calculated using the historical market price changes of certain benchmark TBA securities. See MBSD Minimum Margin Amount Approval Order, *supra* note 5. As defined in MBSD Rule 1 (Definitions), the term “TBA” means a contract for the purchase or sale of mortgage-backed security to be delivered at an agreed-upon future date because as of the transaction date, the seller has not yet identified certain terms of the contract, such as the pool number and number of pools, to the buyer. *Infra* note 9. The term “VaR Charge” is defined in MBSD Rule 1 and means, with respect to each margin portfolio, a calculation of the volatility of specified net unsettled positions of a Clearing Member, as of the time of such calculation (with respect to the specified net unsettled positions as of the time of such calculation). Such volatility calculations shall be made in accordance with any generally accepted portfolio volatility model, including, but not limited to, any margining formula employed by any other clearing agency registered under Section 17A of the Act. Such calculation shall be made utilizing such assumptions (including confidence levels) and based on such historical data as FICC deems reasonable, and shall cover such range of historical volatility as FICC from time to time deems appropriate. To the extent that the primary source of such historical data becomes unavailable for an extended period of time, FICC shall utilize the Margin Proxy as an alternative volatility calculation. In its assessment of volatility, FICC shall calculate an additional bid-ask spread risk charge measured by multiplying the gross market value of each Net Unsettled Position by a basis point charge, where the applicable basis point charge shall be reviewed at least annually. If the volatility calculation is lower than the VaR Floor then the VaR Floor will be utilized as such Clearing Member’s VaR Charge. *Infra* note 9.

⁷ FICC has adopted procedures that would govern in the event that the vendor fails to provide risk analytics data used by FICC to calculate the MBSD VaR Charge. These procedures include the application of the Margin Proxy, which would be applied as an alternative volatility calculation for the MBSD VaR Charge (subject to the VaR Floor, as defined in MBSD Rule 1, *infra* note 9) if FICC determines that the data disruption would extend beyond five (5) business days. See MBSD Margin Proxy Approval Order, *supra* note 5.

⁸ The GSD QRM Methodology Document was filed as a confidential exhibit in the rule filing and advance notice for GSD sensitivity VaR. See Securities Exchange Act Release Nos. 83362 (Jun. 1, 2018), 83 FR 26514 (Jun. 7, 2018) (SR-FICC-2018-001) and 83223 (May 11, 2018), 83 FR 23020 (May 17, 2018) (SR-FICC-2018-801). The GSD QRM Methodology has been subsequently amended. See Securities Exchange Act Release Nos. 85944 (May 24, 2019), 84 FR 25315 (May 31, 2019) (SR-FICC-2019-001), 90182 (Oct. 14, 2020), 85 FR 66630 (Oct. 20, 2020) (SR-FICC-2020-009), 93234 (Oct. 1, 2021), 86 FR 55891 (Oct. 7, 2021) (SR-FICC-2021-007), 95605 (Aug. 25, 2022), 87 FR 53522 (Aug. 31, 2022) (SR-FICC-2022-005), and 97342 (Apr. 21, 2023), 88 FR 25721 (Apr. 27, 2023) (SR-FICC-2023-003).

Methodology Documents”) and a clarification to the MBSD QRM Methodology Document, as described in greater detail below.⁹

FICC is requesting confidential treatment of the QRM Methodology Documents and has filed them separately with the Secretary of the Commission.¹⁰

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 purpose of this rule filing is to amend the QRM Methodology Documents to remove references to specific benchmarks used for the Minimum Margin Amount and Margin Proxy at MBSD. FICC would replace these references to specific benchmarks with a more general description. FICC is also proposing to make certain corrections and technical changes to the GSD QRM Methodology Document and a clarification to the MBSD QRM Methodology Document.

Replacing References to Specific Benchmarks for Minimum Margin Amount and Margin Proxy of MBSD With a More General Description in the MBSD QRM Methodology Document

The MBSD QRM Methodology Document provides the methodology by which FICC calculates the MBSD VaR Charge. The MBSD QRM Methodology Document specifies model inputs, parameters and assumptions, among other information. With respect to Minimum Margin Amount and Margin Proxy, the MBSD QRM Methodology Document refers to the specific benchmarks that are in use. FICC is

proposing to remove the specific benchmark references and replace them with a more general description in order to provide FICC with more flexibility in updating the benchmarks. This is because FICC has observed that vendors may from time to time modify, suspend or discontinue benchmarks.¹¹ Such occurrences do not happen frequently, however, because the references to the specific benchmarks are currently codified in the MBSD QRM Methodology Document, any changes or updates to the benchmarks would require a proposed rule change to be filed with the Commission. In order to provide FICC with more flexibility in updating the benchmarks to timely reflect changes and/or updates, FICC is proposing to replace references to specific benchmarks in the MBSD QRM Methodology Document with a more general description.

Specifically, with respect to the Minimum Margin Amount calculation, FICC is proposing to remove the specific references to default benchmark TBA programs from the MBSD QRM Methodology and replacing it with language that FICC would designate daily benchmark TBA for each of the CONV30, CONV15, GNMA30, and GNMA15 programs based on the TBA with the largest gross settlement amount in the program. Similarly, with respect to the Margin Proxy calculation, FICC is proposing to remove the specific references to default benchmark TBAs as well as the corresponding reference current coupons and replacing them with language that FICC would designate daily benchmark TBAs for each of the CONV30, CONV15, GNMA30, and GNMA15 programs based on the TBA coupon rate closest to or identical with the then current coupon rate. By replacing references to specific benchmarks in the MBSD QRM Methodology Document with a more general description, FICC would no longer need to submit subsequent rule filings to make updates or changes to these benchmarks unless such changes require an advance notice.¹²

¹¹ For example, one of the benchmarks specified in the MBSD QRM Methodology Document for the GNMA program is GNMA I (*i.e.*, MTGEGNSF Index from Bloomberg for GNMA I 30-Year current coupons), which is used to calculate the Margin Proxy; however, FICC has recently learned that GNMA I is no longer available due to diminishing trading volume. Accordingly, following the implementation of these proposed changes, FICC plans to replace GNMA I with GNMA II (*i.e.*, MTGEG2SF Index from Bloomberg for GNMA II 30-Year current coupons) in the calculation of Margin Proxy.

¹² Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act and Rule 19b-4(n)(1)(i) under the

⁹ Capitalized terms used herein and not defined shall have the meaning assigned to such terms in the FICC’s Government Securities Division (“GSD”) Rulebook (“GSD Rules”) and FICC’s Mortgage-Backed Securities Division (“MBSD”) Clearing Rules (“MBSD Rules”), and together with the GSD Rules, the “Rules”, available at www.dtcc.com/legal/rules-and-procedures.aspx.

¹⁰ 17 CFR 240.24b-2.

Nonetheless, as part of the key model construct, benchmarks are reviewed at least annually through FICC's model validation process, and any changes to the benchmarks would continue to be subject to DTCC's internal model governance process as described in the Clearing Agency Model Risk Management Framework.¹³

Under the proposal, FICC would delete references to specific benchmarks from the Minimum Margin Amount and the Margin Proxy sections of the MBSD QRM Methodology Document. With respect to the calculation of the Minimum Margin Amount, the MBSD QRM Methodology Document would provide that the risk factors are calculated based on the applicable benchmark TBA for each program,¹⁴ and each day, the benchmark TBA is designated by FICC based on the TBA with the largest gross settlement amount in the program. Similarly, the MBSD QRM Methodology Document would also provide that in calculating the Margin Proxy, the risk factors are calculated based on the benchmark TBA for each program,¹⁵ and each day, the benchmark TBA is designated by FICC based on the TBA coupon rate closest to or identical with the then current coupon rate.

Act, if a change materially affects the nature or level of risks presented by FICC, then FICC is required to file an advance notice filing. 12 U.S.C. 5465(e)(1) and 17 CFR 240.19b(4)(n)(1)(i).

¹³ The Clearing Agency Model Risk Management Framework ("Framework") sets forth the model risk management practices that FICC and its affiliates The Depository Trust Company ("DTC") and National Securities Clearing Corporation ("NSCC," and together with FICC and DTC, the "Clearing Agencies") follow to identify, measure, monitor, and manage the risks associated with the design, development, implementation, use, and validation of quantitative models. The Framework is filed as a rule of the Clearing Agencies. See Securities Exchange Act Release Nos. 81485 (Aug. 25, 2017), 82 FR 41433 (Aug. 31, 2017) (SR-DTC-2017-008; SR-FICC-2017-014; SR-NSCC-2017-008), 88911 (May 20, 2020), 85 FR 31828 (May 27, 2020) (SR-DTC-2020-008; SR-FICC-2020-004; SR-NSCC-2020-008), 92380 (Jul. 13, 2021), 86 FR 38140 (Jul. 19, 2021) (SR-FICC-2021-006), 92381 (Jul. 13, 2021), 86 FR 38163 (Jul. 19, 2021) (SR-NSCC-2021-008), 92379 (Jul. 13, 2021), 86 FR 38143 (Jul. 19, 2021) (SR-DTC-2021-013), 94271 (Feb. 17, 2022), 87 FR 10411 (Feb. 24, 2022) (SR-FICC-2022-001), 94272 (Feb. 17, 2022) 87 FR 10419 (Feb. 24, 2022) (SR-NSCC-2022-001), 94273 (Feb. 17, 2022), 87 FR 10395 (Feb. 24, 2022) (SR-DTC-2022-001), 97890 (Jul. 13, 2023), 88 FR 46287 (Jul. 19, 2023) (SR-FICC-2023-008), 97892 (Jul. 13, 2023), 88 FR 46232 (Jul. 19, 2023) (SR-NSCC-2023-006), and 97891 (Jul. 13, 2023), 88 FR 46336 (Jul. 19, 2023) (SR-DTC-2023-006).

¹⁴ In calculating the Minimum Margin Amount and the Margin Proxy, FICC partitions each MBSD member portfolio into four programs—CONV30, GNMA30, CONV15, and GNMA15.

¹⁵ *Id.*

Certain Corrections and Technical Changes to the GSD QRM Methodology Document and a Clarification to the MBSD QRM Methodology Document

FICC is proposing to make certain corrections and technical changes to the GSD QRM Methodology Document and a clarification to the MBSD QRM Methodology Document, as described in detail below.

(1) GSD QRM Methodology Document

FICC is proposing to make certain corrections and technical changes to the GSD QRM Methodology Document. Specifically, FICC would correct two typographical errors—one in the description of market risks associated with products cleared by GSD, and the other in the description of key assumptions for Blackout Period Exposure. FICC would also correct two grammatical errors—one in the description of market risks associated with products cleared by GSD and the other in the description of certain factors for VaR determination.

Appendix 4 (Related Methodology for MBSD Sensitivity VaR) to the GSD QRM Methodology Document currently includes certain sections from the MBSD QRM Methodology Document with slightly different numbering sequences. In order to eliminate duplicity and prevent potential inconsistency with the MBSD QRM Methodology Document, FICC is proposing certain technical changes to remove Appendix 4 (Related Methodology for MBSD Sensitivity VaR) from the GSD QRM Methodology Document and update references thereto to directly refer to the relevant section name(s) in the MBSD QRM Methodology Document. FICC is also proposing an update to the reference of the MBSD QRM Methodology Document in the Bibliography section by removing the date from the title of the document. Removing the date from the title of this document in the Bibliography section of the MBSD QRM Methodology Document would help this reference from becoming stale or outdated as the MBSD QRM Methodology gets updated from time to time.

(2) MBSD QRM Methodology Document

FICC is proposing to make a clarification to the MBSD QRM Methodology Document. Specifically, in the section of the MBSD QRM Methodology Document that describes the calculation of Margin Proxy, FICC would add a sentence that describes FICC's current practice when the current coupon rate used to determine the benchmark is missing, unavailable,

or deemed unreliable. Specifically, the additional sentence would provide that if the current coupon rate is missing, unavailable, or deemed unreliable for a particular program, then FICC would use the latest available coupon rate to determine the benchmark TBA or obtain the current coupon rate from an alternative source.

Impact Study

FICC has conducted an impact study for the period from June 2022 to May 2023 ("Impact Study") assessing the change with respect to the Margin Proxy.¹⁶ The result of the Impact Study indicates that, if FICC had replaced GNMA I (*i.e.*, MTGEGNSF Index from Bloomberg for GNMA I 30-Year current coupons) with GNMA II (*i.e.*, MTGEG2SF Index from Bloomberg for GNMA II 30-Year current coupons) when calculating the Margin Proxy during the Impact Study period, the MBSD backtesting coverage ratio with respect to the Margin Proxy would largely remain unchanged, with a 0.1% decrease in coverage ratio.

Specifically, if FICC had replaced GNMA I with GNMA II when calculating the MBSD Margin Proxy during the Impact Study period, the average daily aggregate Margin Proxy would have decreased \$16.3 million (or approximately 0.29% of the average daily aggregate Margin Proxy). The average daily decrease in Margin Proxy per portfolio would have been approximately \$213,000 (or approximately 0.29% of the average daily Margin Proxy per portfolio), with the largest daily dollar decrease of approximately \$4.1 million (0.59% of the Margin Proxy for that day) and the largest percentage decrease of 2.07% (or approximately \$1,900 decrease in Margin Proxy).

2. Statutory Basis

FICC believes this proposal is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, FICC

¹⁶ There is no anticipated impact from this proposal with respect to the Minimum Margin Amount from Jun. 2022 to May 2023. This is because under the proposal, with respect to the Minimum Margin Amount, GNMA I TBAs would be added as a potential benchmark TBA in addition to the currently existing default benchmark TBAs, *i.e.*, GNMA II TBAs; however, since 2022, GNMA II TBAs have consistently exceeded GNMA I TBAs in terms of position exposures at MBSD, therefore, based on the gross settlement amounts, irrespective of the addition of GNMA I TBAs as a potential benchmark TBA, the benchmark TBA designated by FICC would still have been GNMA II TBAs. Therefore, there is no anticipated impact from this proposal on the Minimum Margin Amount from Jun. 2022 to May 2023.

believes that the proposed changes to the QRM Methodology Documents described above are consistent with Section 17A(b)(3)(F) of the Act, for the reasons described below.¹⁷

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.¹⁸

FICC believes that amending the MBSD QRM Methodology Document to remove references to specific benchmarks used for the calculation of Minimum Margin Amount and Margin Proxy and replace them with a more general description as described above would enhance clarity and consistency for FICC. Specifically, the proposed changes would help ensure that the MBSD QRM Methodology Document (which has been filed confidentially) remains aligned with the slate of available benchmarks as it evolves over time. FICC believes that enhancing clarity and consistency with respect to changes to the aforementioned benchmarks would help ensure that FICC calculates and collects adequate margin from its Clearing Members. Collecting adequate margin from its Clearing Members would help FICC mitigate potential losses associated with liquidating a Clearing Member's portfolio in the event of Clearing Member default. Therefore, in the event of Clearing Member default, the proposed changes would help to ensure that FICC's operations would not be disrupted and non-defaulting Clearing Members would not be exposed to losses they cannot anticipate or control. In this way, the proposed changes to the aforementioned benchmarks would help assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.¹⁹

FICC believes that the proposed changes, which constitute certain corrections and technical changes to the GSD QRM Methodology Document and a clarification to the MBSD QRM Methodology Document, would enhance the clarity and accuracy of the QRM Methodology Documents for FICC. The QRM Methodology Documents are used by FICC risk management personnel regarding the calculation of margin requirements. Having clear and accurate QRM Methodology Documents would help facilitate the accurate and smooth

functioning of the margining process at FICC. The changes referenced in this paragraph would promote such clarity and accuracy. This would in turn allow FICC risk management to charge members an appropriate level of margin. As such, FICC believes that enhancing the clarity and accuracy of the QRM Methodology Documents would assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.²⁰

(B) Clearing Agency's Statement on Burden on Competition

FICC believes that the proposed changes to amend the MBSD QRM Methodology Document to remove references to specific benchmarks used for the calculation of Minimum Margin Amount and Margin Proxy and replace them with a more general description as described above could have an impact on competition. Specifically, FICC believes that the proposed changes could burden competition because changes to the benchmarks could potentially result in larger Required Fund Deposit amounts for some members than the amounts currently calculated. This is because the proposed changes would provide FICC the flexibility to timely update benchmarks without a rule filing, which in turn could lead to either higher or lower haircut rates being used when calculating the Minimum Margin Amount and/or Margin Proxy. Using higher haircut rates when calculating the Minimum Margin Amount and/or Margin Proxy could result in larger Required Fund Deposit amounts for some members than the amounts currently calculated.

When the proposal results in a larger Required Fund Deposit for members, the proposed changes could burden competition for members that have lower operating margin or higher cost of capital compared to other members. Whether such burden on competition would be significant would depend on each member's financial status and the specific risks presented by each member's portfolio(s). Regardless of whether the burden on competition would be significant, FICC believes that any burden on competition imposed by the proposed changes would be both necessary and appropriate in furtherance of FICC's efforts to mitigate risks and meet the requirements of the Act,²¹ as described in this filing and further below.

FICC believes the above-described burden on competition that may be created by the proposed changes to amend the MBSD QRM Methodology Document to remove references to specific benchmarks used in the calculation of the Minimum Margin Amount and Margin Proxy and replace them with a more general description would be necessary in furtherance of the Act.²² As stated above, these proposed changes would provide FICC with more flexibility in updating these benchmarks without a rule filing. As such, the proposed changes would enhance clarity and consistency for FICC by helping to ensure that the MBSD QRM Methodology Document (which has been filed confidentially) stays aligned with the slate of available benchmarks as it evolves over time. FICC believes that enhancing clarity and consistency for FICC with respect to changes to the aforementioned benchmarks would help ensure that FICC calculates and collects adequate margin from its Clearing Members and would thereby assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.²³

FICC also believes that the above-described burden on competition that could be created by the proposed changes to amend the MBSD QRM Methodology Document to remove references to specific benchmarks used for the calculation of Minimum Margin Amount and Margin Proxy and replace them with a more general description would be appropriate in furtherance of the Act.²⁴ FICC believes these proposed changes would be appropriate in furtherance of the Act because they have been designed to assure the safeguard of securities and funds which are in the custody or control of FICC or for which it is responsible. The proposal achieves this purpose by providing FICC additional flexibility when updating aforementioned benchmarks, thus ensuring that the MBSD QRM Methodology Document (which has been filed confidentially) remains aligned with the slate of available benchmarks as it evolves over time. Having a clear MBSD QRM Methodology Document would help facilitate the accurate and smooth functioning of the margining process at FICC and thereby assure the safeguarding of securities and funds which are in the custody or control of FICC or for which it is responsible,

¹⁷ 15 U.S.C. 78q-1(b)(3)(F).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ 15 U.S.C. 78q-1(b)(3)(I).

²² *Id.*

²³ 15 U.S.C. 78q-1(b)(3)(F).

²⁴ 15 U.S.C. 78q-1(b)(3)(I).

consistent with Section 17A(b)(3)(F) of the Act.²⁵

FICC does not believe the proposed corrections and technical changes to the GSD QRM Methodology Document and the proposed clarification to the MBSD QRM Methodology Document described above would have any impact on competition. These proposed changes would enhance QRM Methodology Documents by providing additional clarity and accuracy. The proposed changes referenced above would not advantage or disadvantage any particular member of FICC or unfairly inhibit access to FICC's services. FICC therefore does not believe these proposed changes would have any impact, or impose any burden, on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. If any additional written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions.

Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at www.sec.gov/regulatory-actions/how-to-submit-comments. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the SEC's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777.

FICC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) ²⁶ of the Act and paragraph (f) ²⁷ 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-FICC-2024-001 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-FICC-2024-001. 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 FICC and on DTCC's website (<http://dtcc.com/legal/sec-rule-filings.aspx>). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is

obscene or subject to copyright protection. All submissions should refer to File Number SR-FICC-2024-001 and should be submitted on or before February 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-02159 Filed 2-5-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35122; File No. 812-15490]

Diameter Credit Company, et al.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").
ACTION: Notice.

Notice of application for an order ("Order") under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

Summary of Application: Applicants request an order to permit certain business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

Applicants: Diameter Credit Company, Diameter Principal Finance LLC, Diameter Principal Finance Partnership LP, Diameter Capital Partners LP, Diameter CLO Advisors LLC, Diameter Master Fund LP, Diameter Dislocation Master Fund LP, Diameter Dislocation Master Fund II LP, DCMALT LP, DCP IG Fund LP, Diameter Credit Funding I, Ltd., Diameter Credit Funding II, Ltd., Diameter Credit Funding III, Ltd., Diameter Credit Funding IV, Ltd., Diameter Capital CLO 1 Ltd., Diameter Capital CLO 2 Ltd., Diameter Capital CLO 3 Ltd., Diameter Capital CLO 4 Ltd., Diameter Capital CLO 5 Ltd.

Filing Dates: The application was filed on July 25, 2023, and amended on October 31, 2023.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at

²⁵ 15 U.S.C. 78q-1(b)(3)(F).

²⁶ 15 U.S.C. 78s(b)(3)(A).

²⁷ 17 CFR 240.19b-4(f).

²⁸ 17 CFR 200.30-3(a)(12).

Secretarys-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on February 26, 2024, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov*.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicants: Shailini Rao, Diameter Capital Partners LP, at *srao@diametercap.com*; and Rajib Chanda, Simpson Thacher & Bartlett LLP, *Rajib.Chanda@stblaw.com*; and Steven Grigoriou, Simpson Thacher & Bartlett LLP, *Steven.Grigoriou@stblaw.com*.

FOR FURTHER INFORMATION CONTACT: Taylor Evenson, Senior Counsel, or Terri Jordan, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended and restated application, dated October 30, 2023, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system.

The SEC's EDGAR system may be searched at <http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Dated: February 1, 2024.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024–02401 Filed 2–5–24; 8:45 am]

BILLING CODE 8011–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. 526 (Sub-No. 19)]

Notice of Railroad-Shipper Transportation Advisory Council Vacancy

AGENCY: Surface Transportation Board (Board).

ACTION: Notice of vacancy on the Railroad-Shipper Transportation Advisory Council (RSTAC) and solicitation of nominations.

SUMMARY: The Board hereby gives notice of a vacancy on RSTAC for a large railroad representative. The Board seeks nominations for candidates to fill this vacancy.

DATES: Nominations are due on March 7, 2024.

ADDRESSES: Nominations may be submitted via e-filing on the Board's website at www.stb.gov. Submissions will be posted to the Board's website under Docket No. EP 526 (Sub-No. 19).

FOR FURTHER INFORMATION CONTACT: Gabriel Meyer at (202) 245–0150. If you require an accommodation under the Americans with Disabilities Act, please call (202) 240–0245

SUPPLEMENTARY INFORMATION: The Board, created in 1996 to take over many of the functions previously performed by the Interstate Commerce Commission, exercises broad authority over transportation by rail carriers, including regulation of railroad rates and service (49 U.S.C. 10701–47, 11101–24), the construction, acquisition, operation, and abandonment of rail lines (49 U.S.C. 10901–07), as well as railroad line sales, consolidations, mergers, and common control arrangements (49 U.S.C. 10902, 11323–27).

The ICC Termination Act of 1995 (ICCTA), enacted on December 29, 1995, established RSTAC to advise the Board's Chair; the Secretary of Transportation; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives with respect to rail transportation policy issues RSTAC considers significant. RSTAC focuses on issues of importance to small shippers and small railroads, including car supply, rates, competition, and procedures for addressing claims. ICCTA instructs RSTAC to endeavor to develop private sector mechanisms to prevent, or identify and address, obstacles to the most effective and efficient transportation system practicable. The members of RSTAC also prepare an annual report

concerning RSTAC's activities. RSTAC is not subject to the Federal Advisory Committee Act.

RSTAC's 15 appointed members consist of representatives of small and large shippers, and small and large railroads. These members are appointed by the Chair. In addition, members of the Board and the Secretary of Transportation serve as ex officio members. Of the 15 appointed members, nine are voting members and are appointed from senior executive officers of organizations engaged in the railroad and rail shipping industries. At least four of the voting members must be representatives of small shippers as determined by the Chair, and at least four of the voting members must be representatives of Class II or III railroads. The remaining voting member has traditionally been an at-large representative. The other six members—three representing Class I railroads and three representing large shipper organizations—serve in a nonvoting, advisory capacity, but may participate in RSTAC deliberations.

Meetings of RSTAC are required by statute to be held at least semi-annually. RSTAC typically holds meetings quarterly at the Board's headquarters in Washington, DC, although some meetings are held virtually or in other locations.

The members of RSTAC receive no compensation for their services and are required to provide for the expenses incidental to their service, including travel expenses. Currently, RSTAC members have elected to submit annual dues to pay for RSTAC expenses.

RSTAC members must be citizens of the United States and represent as broadly as practicable the various segments of the railroad and rail shipper industries. They may not be full-time employees of the United States Government. According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RSTAC, as long as they do so in a representative capacity, rather than an individual capacity. See *Revised Guidance on Appointment of Lobbyists to Fed. Advisory Comms., Bds., & Comm'ns*, 79 FR 47,482 (Aug. 13, 2014). Members of RSTAC are appointed to serve in a representative capacity.

Each RSTAC member is appointed for a term of three years. No member will be eligible to serve in excess of two consecutive terms. However, a member may serve after the expiration of his or her term until a successor has taken office.

Due to the expiration of an RSTAC member's term, a vacancy exists for a large railroad representative. Nominations for candidates to fill the vacancy should be submitted in letter form, identifying the name of the candidate, providing a summary of why the candidate is qualified to serve on RSTAC, and containing representations that the candidate is willing to serve as an RSTAC member effective immediately upon appointment. Candidates may nominate themselves. The Chair is committed to having a committee reflecting diverse communities and viewpoints and strongly encourages the nomination of candidates from diverse backgrounds. RSTAC candidate nominations should be filed with the Board by March 7, 2024. Members selected to serve on RSTAC are chosen at the discretion of the Board's Chair.

Please note that submissions will be posted on the Board's website under Docket No. EP 526 (Sub-No. 19) and can also be obtained by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at RCPA@stb.gov or (202) 245-0238.

Authority: 49 U.S.C. 1325.

Decided: February 1, 2024.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2024-02368 Filed 2-5-24; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2024-0007]

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for a Proposed Highway Project; Parsons, Tucker County, WV to Davis, Tucker County, WV

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

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: The FHWA, in coordination with the West Virginia Division of Highways (WVDOH) is issuing this Notice of Intent (NOI) to solicit comments and advise the public, agencies, and stakeholders that they intend to prepare a Supplemental Environmental Impact Statement (SEIS) for the Supplemental Final Environmental Impact Statement

(SFEIS) (FHWA-WV-EIS-92-01-SD) for the 9-mile Appalachian Highway Corridor H Parsons to Davis Project in Tucker County, West Virginia. Persons and agencies who may be interested in or affected by the proposed project are encouraged to comment on the information in this NOI and the NOI Supplementary Information Document. All comments received in response to this NOI will be considered and any information presented herein may be revised in consideration of the comments.

DATES: Comments on this NOI or the NOI Supplementary Documentation must be received by March 27, 2024.

ADDRESSES: This NOI and the NOI Supplementary Information document are available in the docket referenced above at www.regulations.gov and on the project website located at <https://transportation.wv.gov/highways/engineering/comment/Pages/default.aspx>. The NOI and the NOI Supplementary Documentation will also be mailed upon request. All interested parties are invited to submit comments by any of the following methods:

- **Online Submission:** Submission of comments through the Federal eRulemaking Portal located at www.regulations.gov or the project website located at <https://transportation.wv.gov/highways/engineering/comment/CorridorHParsonsToDavis>;
- **Physical Delivery** to the following mailing address: FHWA West Virginia Division, 300 Virginia Street East, Suite 7400, Charleston, WV 25301; and
- **Project website** <https://transportation.wv.gov/highways/engineering/comment/CorridorHParsonsToDavis>.

All submissions should include the agency name and the docket number that appears in the heading of this Notice. All comments received will be posted without change to www.regulations.gov, including any personal information provided. The Draft SEIS will include a summary of the comments received.

FOR FURTHER INFORMATION CONTACT: For further information or to request addition to the project mailing list, contact Jason Workman, Director of Project Development, FHWA WV Division, 300 Virginia Street East, Suite 7400, Charleston, WV 25301 or Travis Long, Director, Technical Support Division, WV Division of Highways, 1334 Smith Street, Charleston, WV 25301.

SUPPLEMENTARY INFORMATION: The FHWA, as the lead Federal Agency, and

WVDOH as joint lead agency/project sponsor, are preparing a SEIS to evaluate environmental impacts of the construction of a new highway on new alignment between Parsons, WV and Davis, WV. The SEIS will be prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [U.S.C.] 4321, *et seq.*); Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508); FHWA regulations implementing NEPA (23 CFR 771.101-771.139); and applicable Federal, State, and local laws and regulations. The SEIS will follow the same format as the original EIS (*i.e.*, draft, final, record of decision [ROD]). Likewise, the SEIS process will continue to follow the integrated NEPA/404 process outlined in the 1994 Alignment Selection Draft Environmental Impact Statement, 1996 FEIS, and 2007 SFEIS. The 1996 FEIS, 2007 SFEIS, Alignment Resource Location Plans, and prior final NEPA documents relevant to this project will be available on the project website: <https://transportation.wv.gov/highways/major-projects/Corridor-H/route/Pages/Parsons-to-Davis.aspx>. Completion of the Supplemental Final Environmental Impact Statement and Amended ROD is anticipated in December of 2024.

The most recent NEPA document for the Parsons to Davis Project was a Supplemental Final Environmental Impact Statement (SFEIS) approved by FHWA on February 2, 2007 (FHWA-WV-EIS-92-01-SD). The 2007 SFEIS identified a modified Original Preferred Alternative (OPA) termed the Revised Original Preferred Alternative (ROPA) as the preferred alternative. Following FHWA approval and circulation of the 2007 SFEIS, an Amended ROD was not issued, and the proposed project was put on hold due to lack of funding.

Project Re-Initiation

The WVDOH re-initiated the Parsons to Davis Project with two public outreach workshops (August 20, 2019, and September 12, 2022) held in the project area. The WVDOH also initiated consultation with the United States Fish and Wildlife Service (USFWS), United States Forest Service (USFS), United States Department of Agriculture Natural Resources and Conservation Service (USDA NRCS), United States Army Corps of Engineers (USCOE), United States Environmental Protection Agency (USEPA), West Virginia Department of Natural Resources (WVDNR), West Virginia State Historic Preservation Office (WVSHPO), and

West Virginia Department of Environmental Protection (WVDEP).

Purpose and Need for the Proposed Action

The overall purpose and need for Corridor H were established by the U.S. Congress and its Appalachian Development Highway System (ADHS) in 1965. As stated in its 2017 Technical Report (“Economic Analysis of Completing the Appalachian Development Highway System”), “The ADHS was authorized by Congress with the purpose of stimulating economic development by reducing isolation and improving access for an economically depressed region that had been largely left unserved by the interstate highway system.” That purpose was re-examined and confirmed in the 1996 approved SFEIS and ROD for the Elkins, WV to the WV/Stateline Corridor H Project. The 2007 approved Parsons to Davis SFEIS reaffirmed the purpose and need of the overall Corridor H project and identified specific purposes and needs specific to the Parsons to Davis Project. It stated:

“The Parsons to Davis Project is a component of the Appalachian Corridor H Project. As a link in that chain, it is expected to contribute to addressing needs identified in the 1996 Corridor H SFEIS”:

- Improve east-west transportation through northeastern West Virginia;
- Promote economic development in the region; and
- Preserve or improve the quality of life in the region.

In addition to these general needs for Appalachian Highway Corridor H, the 2007 SFEIS identified needs specific to the Parsons to Davis Project:

- Reduce truck traffic through the City of Thomas; and
- Improve emergency response times and access to emergency facilities.

This SEIS will also include the following objectives applicable to this SEIS that were included in the 2007 SFEIS. Those objectives were:

- To develop one or more alternatives that avoid the Blackwater Area;
- To consider a range of alternative(s), including the OPA, the Revised OPA (ROPA), and Blackwater Avoidance Alternatives as required by the Settlement Agreement; and
- To determine which alternatives will be carried forward for detailed analysis (Section II: Alternatives Analysis).

Finally, this SEIS will:

- Evaluate and compare the environmental consequences of both alternatives carried forward for detailed analysis;

- Assess whether there is a “feasible” and “prudent” alternative in the Parsons to Davis Study Area that does not “use” any land protected by section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303(c) (Section IV: Section 4(f) and 6(f) Analyses); and
- Identify a Preferred Alternative for the Parsons to Davis Project.

Preliminary Description of the Proposed Action and Alternatives

The Council of Environmental Quality (CEQ) regulations (40 CFR 1502.9(d)) and (FHWA regulations (23 CFR 771.130(a)) state that whenever there are changes, new information, or further developments on a project which result in significant environmental impacts not identified in the most recently distributed version of the draft or final EIS, a SEIS is necessary. Since the approval and circulation of the 2007 SFEIS, there have been many changes in the project’s study area and, in the Federal and State regulatory environment which may result in significant environmental impacts not identified in the 2007 SFEIS; therefore, a new SEIS is required.

This SEIS will evaluate two alignment alternatives developed within each of two 1500-foot-wide study corridors. Study corridor one (the ROPA corridor) will include the 2007 SFEIS identified preferred alternative. The alternative alignment developed in this corridor will be referred to as the Refined ROPA (R-ROPA). Study corridor two (the Blackwater Avoidance Corridor) will be developed north of the Blackwater Avoidance corridor identified in the 2007 SFEIS. The alignment developed within this corridor will be referred to as Blackwater Avoidance Alternative 2 (BAA 2).

Each of these two alignment alternatives will be developed to a similar level of design detail to compare impacts with respect to cost, excavation quantities, network connectivity, constructability, and ability to meet general and project area purpose and need. Comparisons will be made on each of the alignment alternatives’ potential impacts to the natural, cultural, and social environs. The No Action Alternative assumes no improvements besides those planned by others or implemented as part of routine maintenance. Following this review, a preferred alternative will be selected and identified in the SDEIS.

Additional information on the alternatives, as well as maps and figures illustrating the project location, are provided in the NOI Supplementary Information document available for review in the docket established for this

project and on the project website noted in the **ADDRESSES** section. The alternatives may be revised based on the consideration of public comments. The range of reasonable alternatives will be finalized after consideration of comments received during the comment period on this NOI and the NOI Supplementary Documentation and will be documented in the Draft EIS (DEIS).

Summary of Expected Impacts

This SEIS will evaluate the potential social, economic, and environmental impacts resulting from the implementation of the R-ROPA, BAA 2 and the No Action Alternative Including:

- *Purpose and Need*—Whether the alternative meets the project’s general purpose and local purpose and needs;
- *Community Cohesion*—Whether the alternative avoids or minimizes impacts to the City of Thomas and Town of Davis’s connectivity;
- *Wetlands and Waters of the United States (U.S.) and/or Waters of the State of WV*—Whether any build alternative would require fill and/or removal from Waters of the U.S. considered jurisdictional by the U.S. Army Corps of Engineers (USCOE) and impacts to waters considered to be jurisdictional by the WV Department of Environmental Protection;
- *Section 7 Endangered Species Act*—Through consultation with the USFWS, determine whether the alternatives would have any potential to impact Federally listed species;
- *USFS Regional Forest Sensitive Species*—Through coordination with the Monongahela National Forest, determine whether and to what extent the alternatives have the potential to impact resources identified by the USFS as Regional Forester Sensitive Species (RFSS); and
- *Relocations*—The build alternatives may require relocations. The WVDOH and FHWA will work with potentially impacted stakeholders and designers to reduce the number of relocations with each alternative.

The SEIS will evaluate the expected impacts and benefits to the resources identified above as well as the following other resources: land use; farmland; social and community resources; environmental justice; recreational trails; air quality; transportation; traffic noise; hazardous waste sites; and visual resources.

The level of review of the identified resources for the SEIS will be commensurate with the anticipated impacts to each resource from the proposed project, will be comparable across alternatives, and will be governed

by the statutory or regulatory requirements protecting those resources. The analyses and evaluations conducted for the SEIS will identify the potential for impacts, whether the anticipated impacts would be significant and/or adverse, and whether there are appropriate environmental mitigation measures to be developed and implemented for any selected alternative.

Anticipated Permits and Other Authorizations

On-going consultation with Federal and State resource agencies will help identify resources within the project area for each alternative and address specific conditions required by those agencies for issuance of permits or approvals. Details of permits and approvals required are found in Section 5 of the NOI Supplementary Documentation (Permits and Other Authorizations Required).

Schedule for the Decision-Making Process

The project schedule will comply with 40 CFR 1501.10(a) and (b)(2) and 23 U.S.C. 139, which requires that environmental reviews and authorization decisions for major projects occur within two years (from the date of publication of the NOI to the date of issuance of the Record of Decision (ROD)).

The anticipated project schedule is outlined below:

- Notice of Availability of the Draft SEIS (SDEIS): May 2024
- Public Hearing: June 2024
- End of SDEIS Comment Period: July 2024
- Issue SFEIS/ROD: December 2024
- Issue all Project Permits and Authorization Decisions: March 2025

Description of the Agency and Public Involvement (Scoping) Process

Public Involvement

The WVDOH and FHWA began re-initiation, including scoping of the Parsons to Davis Project on August 20, 2019, with a public workshop held in the vicinity of the Parsons to Davis Project area (*i.e.*, Blackwater Falls State Park). During the workshop, WVDOH personnel presented a history of the project, maps of the preferred alternative (*i.e.*, ROPA) identified in the 2007 SFEIS, communicated to the public that it was going to restart the project, and solicited public comments. A second public workshop was held at the same venue on September 12, 2022, to update the public on project activities since the 2019 public workshop and

again solicited public comments to assist WVDOH in the identification of new issues of concern to address in its SEIS study. During the comment periods following these two public workshops, WVDOH and FHWA received over 400 separate comments on the project and its alternatives. A summary of those comments is included in this NOI's Supplementary Documentation at Section 7.2.1.1.

In addition to these public workshops, WVDOH project personnel have held and/or presented project information through formal and informal meetings with local elected and appointed public officials including Thomas and Davis City Councils; development authorities; and commissions. Additional outreach will be held in accordance with the Public Involvement and Agency Coordination Processes detailed in the NOI Supplementary Documentation (Section 7—Description of Agency and Public Scoping Process).

Agency Scoping

Since the early 1990s, the following agencies have been Cooperating Agencies on the entire Elkins, WV to the WV/VA Stateline project which includes the Parsons to Davis section: USEPA; USFWS; USFS; USCOE; USDA NRCS; US National Park Service (NPS). In addition to Federal Agencies, the following State agencies have been, and are, participants in all NEPA and NEPA related studies. The State agencies include the WVDEP and the WVDNR. Finally, the WVSHPO, Keeper of the National Register of Historic Places, and the Advisory Council for Historic Preservation are signatories of the Corridor H Section 106 Programmatic Agreement. Since the re-initiation of this project in 2019, WVDOH and FHWA have resumed coordination and consultation with each of these agencies.

Public and agency coordination for this project will follow the public involvement and resource agency coordination processes outlined in 23 U.S.C. 139. The public and agency coordination process that WVDOH and FHWA used on prior NEPA documentation development have been consistent with FHWA and resource agency regulations and policies (*e.g.*, 23 CFR 771.111 and FHWA-HEP-15-047 DOT-VNTSC-FHWA-15-19 Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects). The SDEIS will be available for public and agency review and comment prior to the SDEIS Public Hearing.

Request for Comments Relevant to the Proposed Action

With this Notice, FHWA and WVDOH request and encourage State, Tribal, local agencies, and the public to review the NOI and the NOI Supplementary Documentation and submit comments on the proposed action. The purpose of this request is to bring relevant comments, information, and analyses to the agency's attention, as early in the process as possible, and to enable the agency to make maximum use of this information in the decision making.

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

(Authority: 42 U.S.C. 4321 *et seq.*; 23 CFR part 771).

Jeffrey S. Blanton,

Division Administrator, Federal Highway Administration.

[FR Doc. 2024-02280 Filed 2-5-24; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2024-0013]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Wind Dancer (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 March 7, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2024-0013 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2024-0013 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–2024–0013, 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 Wind Dancer is:

- Intended Commercial Use of Vessel:** Requester intends to use for passenger charter.
- Geographic Region Including Base of Operations:** Florida. Base of Operations: St. Augustine, FL.
- Vessel Length and Type:** 38.5' Catamaran.

The complete application is available for review identified in the DOT docket as MARAD 2024–0013 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–2024–0013 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. 2024–02317 Filed 2–5–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0012]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Ghost Rider II (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 March 7, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2024–0012 by any one of the following methods:

• **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Search MARAD–2024–0012 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–2024–0012,

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 Ghost Rider II is:

- Intended Commercial Use of Vessel:* Requester intends to use for private passenger charters.
- Geographic Region Including Base of Operations:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington, Alaska. Base of Operations: Sausalito, CA.
- Vessel Length and Type:* 53' Motor.

The complete application is available for review identified in the DOT docket as MARAD 2024-0012 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-2024-0012 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. 2024-02312 Filed 2-5-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2024-0014]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Pikku Kala (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 March 7, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2024-0014 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2024-0014 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-2024-0014, 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 Pikku Kala is:

- Intended Commercial Use of Vessel:* Requester intends to use for passenger charters.
- Geographic Region Including Base of Operations:* Michigan. Base of Operations: Hancock, MI.
- Vessel Length and Type:* 37' Motor.

The complete application is available for review identified in the DOT docket as MARAD 2024-0014 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-2024-0014 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. 2024-02316 Filed 2-5-24; 8:45 am]
BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2024-0017]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Persuader (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 March 7, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2024-0017 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2024-0017 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-2024-0017, 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 Persuader is:

- Intended Commercial Use of Vessel:* Requester intends to use for sailing charters.
- Geographic Region Including Base of Operations:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, South Carolina, Georgia, Florida. Base of Operations: South River, MD.
- Vessel Length and Type:* 36' Sail.

The complete application is available for review identified in the DOT docket as MARAD 2024-0017 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 undue 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-2024-0017 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. 2024-02315 Filed 2-5-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2024-0015]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Nauti Cat (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 March 7, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2024-0015 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2024-0015 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-2024-0015, 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 Nauti Cat is:

- Intended Commercial Use of Vessel:* Requester intends to use for passenger sailing trips on the southern Chesapeake Bay and tributaries.
- Geographic Region Including Base of Operations:* Virginia. Base of Operations: Urbanna, VA.
- Vessel Length and Type:* 46' Sail Catamaran.

The complete application is available for review identified in the DOT docket as MARAD 2024-0015 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-2024-0015 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. 2024-02313 Filed 2-5-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2024-0016]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Ninjalove (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 March 7, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2024-0016 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search MARAD-2024-0016 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-2024-0016, 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 *Ninjalove* is:

- Intended Commercial Use of Vessel:* Requester intends to use for six passenger whale watching trips.
- Geographic Region Including Base of Operations:* California. Base of Operations: Newport Beach, CA.
- Vessel Length and Type:* 26' Catamaran.

The complete application is available for review identified in the DOT docket as MARAD 2024-0016 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-2024-0016 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. 2024-02314 Filed 2-5-24; 8:45 am]
BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Bradley Smith, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or Assistant Director for Sanctions Enforcement, Compliance & Analysis, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (ofac.treasury.gov).

Notice of OFAC Action(s)

On January 31, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individual:

1. AL-'UWAYR, Ibrahim Talal (a.k.a. AGAOGLU, Ibrahim; a.k.a. AL-UWAYR, Ibrahim), Istanbul, Turkey; DOB 30 Apr 1991; POB Hama, Syria; nationality Syria; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: MIRA IHRACAT ITHALAT PETROL URUNLERI SANAYI TICARET LIMITED SIRKETI).

Designated pursuant to section 1(a)(iii)(B) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism," 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended), for owning or controlling, directly or indirectly, MIRA IHRACAT ITHALAT PETROL URUNLERI SANAYI TICARET LIMITED SIRKETI, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Entities:

1. HYDRO COMPANY FOR DRILLING EQUIPMENT RENTAL (a.k.a. HYDRO COMPANY S.A.L.; a.k.a. HYDRO DRILLING EQUIPMENT RENTAL S.A.L.), Lebanon; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Commercial Registry Number 1024713 (Lebanon) [SDGT] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the ISLAMIC REVOLUTIONARY GUARD CORPS-QODS FORCE, a person whose property and interests in property are blocked pursuant to E.O. 13224.

2. MIRA IHRACAT ITHALAT PETROL URUNLERI SANAYI TICARET LIMITED SIRKETI, No. 26 A Kayanarca Mahallesi, Yoruk Sokak, Pendik, Istanbul 34890, Turkey; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2018; Commercial Registry Number 168940 (Turkey) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

3. YARA S.A.L. OFFSHORE COMPANY (a.k.a. YARA OFFSHORE SAL(Arabic: شركة يارا ش.م.ل. اوف شور)), Bechara El Khoury Street, Beirut, Lebanon; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 05 Nov 2012; Commercial Registry Number 1806384 (Lebanon) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: January 31, 2024.

Bradley T. Smith,

*Director, Office of Foreign Assets Control,
U.S. Department of the Treasury.*

[FR Doc. 2024-02274 Filed 2-5-24; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Revenue Procedure 2024-4

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Revenue Procedure 2024-4 (and successor guidance).

DATES: Written comments should be received on or before April 8, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés García, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Please include, “OMB Number: 1545-1520, Revenue Procedure 2024-4, Public Comment Request Notice” in the Subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure and instructions should be directed to LaNita Van Dyke, at (202) 317-3009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW,

Washington, DC 20224, or through the internet at LaNita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Revenue Procedure 2024-4 (and successor guidance).

OMB Number: 1545-1520.

Revenue Procedure Number: 2024-4.

Abstract: Internal Revenue Code (IRC) § 601.201(a)(1) provides that it is the practice of the Internal Revenue Service (IRS) to answer inquiries of individuals and organizations, whenever appropriate in the interest of sound tax administration, as to their status for tax purposes and as to the tax effects of their acts or transactions. Under this revenue procedure 2024-4 (and successor guidance), taxpayers can request determination letters and letter rulings from the Commissioner, Tax Exempt and Government Entities, Employee Plans Office (“Employee Plans”) on how the tax laws apply to them. Employee Plans requires information from taxpayers in order to process these requests.

Current Actions: There is no change to the burden previously approved.

Type of Review: Reinstatement without change of a previously approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local or tribal governments.

Estimated Number of Respondents: 8,733.

Estimated Time per Respondent: 2 hrs., 5 min.

Estimated Total Annual Burden Hours: 18,151.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become

material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: January 31, 2024.

Molly J. Stasko,

Senior IRS Tax Analyst.

[FR Doc. 2024-02254 Filed 2-5-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS**[OMB Control No. 2900–0510]****Agency Information Collection
Activity: Application for Exclusion of
Children's Income****AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 8, 2024.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to nancy.kessinger@va.gov. Please refer to “OMB Control No. 2900–0510” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266–4688 or email maribel.aponte@va.gov. Please refer to “OMB Control No. 2900–0510” in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the

burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 1521(h) and 1541(g).

Title: Application for Exclusion of Children's Income.

OMB Control Number: 2900–0510.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21P–0571 is primarily used by VBA to adequately evaluate children's income for possible exclusion from the calculation of total family income. This is a revision of a currently approved collection as the respondent burden has decreased.

Affected Public: Individuals and households.

Estimated Annual Burden: 32.25 hours.

Estimated Average Burden per

Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 45.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–02337 Filed 2–5–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS**[OMB Control No. 2900–0115]****Agency Information Collection
Activity: Supporting Statement
Regarding Marriage**

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 8, 2024.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to nancy.kessinger@va.gov. Please refer to “OMB Control No. 2900–0115” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT:

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266–4688 or email maribel.aponte@va.gov. Please refer to “OMB Control No. 2900–0115” in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 103.

Title: Supporting Statement Regarding Marriage, 21P–4171.

OMB Control Number: 2900–0115.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21P–4171 is primarily used to collect information from third-parties regarding claimed common-law marriage between Veterans and spouses/surviving spouses. VBA uses the information collected to determine whether the claimed common-law marriage is valid under the law of the place where the parties resided at the time of marriage, or the law of the place where the parties

resided when the right to benefits accrued, to comply with 38 CFR 3.1(j) and pay monetary benefits. Without this information, determination of continued entitlement would not be possible. This is an extension with no changes to the form. The burden has not changed since the last approval.

Affected Public: Individuals and households.

Estimated Annual Burden: 792 hours.

Estimated Average Burden per

Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,400.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024-02308 Filed 2-5-24; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Tribal and Indian Affairs, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. ch. 10., that the Advisory Committee on Tribal and Indian Affairs will meet on February 27, 28 and 29, 2023 at the Choctaw Nation Headquarters, 1802 Chukaa Hina Drive, Durant, OK 74701. The meeting sessions will begin, and end as follows:

Dates	Times
February 27, 2024.	8 a.m. to 5 p.m.—central standard time (CST).
February 28, 2024.	8 a.m. to 4 p.m. CST.
February 29, 2024.	8 a.m. to 4 p.m. CST.

The meeting sessions will be open to the public.

The purpose of the Committee is to advise the Secretary on all matters relating to Indian tribes, tribal organizations, Native Hawaiian organizations, and Native American Veterans. This includes advising the Secretary on the administration of healthcare services and benefits to American Indian/Alaska Natives (AI/AN) and Native Hawaiian Veterans; thereby assessing those needs and whether VA is meeting them.

On February 27, 2024, the agenda will include opening remarks from the Chief

of the Choctaw Nation, Committee Chair, Executive Sponsor, and other VA officials. There will be a recap of prior the Committee's recommendations and follow-up from the agency, including updates regarding the co-pay exemption implementation for American Indian/Alaska Natives; cultural healers/natural helpers; cultural awareness training; VA/Indian Health Service (IHS) Memorandum Of Understanding Implementation Plan and suicide prevention. Further updates include Section 403 of the Mission Act on establishing VA's authority to establish medical residency in covered facilities to include non-VA facilities, such as IHS facilities or facilities operated by Indian tribes or tribal organizations. The Committee will tour the Choctaw Nation Healthcare Center/Oklahoma State University Residency Clinic.

On February 28, 2024, the agenda will include updates on Native American Direct Loan Program; Homeless Programs; Choctaw Nation Behavioral Health/VA Staff Sergeant Fox Grant for the suicide prevention, family counseling, women's domestic violence program; Tribal Veteran Service Officer Representation Expansion Project; Reimbursement Agreement Program/Tribal Health Programs/Purchase Referred Care expansion; Claims Clinic Events in Indian Country; and VA Office of Connected Care. The Committee will tour the VA Community Based Outpatient Clinic in Bonham, Texas.

On February 29, 2024, the meeting will start at 8 a.m. Public comment will be from 11 a.m. to 12 p.m.

The meetings are open to the public to attend in person and will be recorded. Individuals who wish to speak during the public comment session are invited to submit a 1–2-page summary of their comments no later than February 21, 2024, for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Peter Vicaire, at Peter.Vicaire@va.gov. Any member of the public seeking additional information should contact Peter Vicaire at the email address above or by calling 612–558–7744.

Dated: January 31, 2024.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2024-02273 Filed 2-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Cemeteries and Memorials

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), National Cemetery Administration (NCA), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Cemeteries and Memorials (herein-after in this section referred to as “the Committee”).

DATES: Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee. Nominations for membership on the Committee must be received no later than 5 p.m. EST on March 29, 2024.

ADDRESSES: All nominations should be emailed to vaadvisorycmte@va.gov. Please write Nomination for Cemeteries and Memorials Membership in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Faith Hopkins, National Cemetery Administration, via email at faith.hopkins@va.gov or (202) 603–4499. A copy of the Committee charter and list of the current membership can be obtained by contacting Ms. Hopkins or by accessing the website managed by NCA at: http://www.cem.va.gov/cem/about/advisory_committee.asp.

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth, the Committee responsibilities include:

(1) Advising the Secretary on VA's administration of burial benefits and the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits;

(2) Providing to the Secretary and Congress periodic reports outlining recommendations, concerns, and observations on VA's delivery of these benefits and services to Veterans;

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts in providing burial benefits and outreach on these benefits to Veterans and their dependents;

(4) Undertaking assignments to conduct research and assess existing burial and memorial programs; to examine potential revisions or expansion of burial and memorial programs and services; and to provide advice and recommendations to the Secretary based on this research.

Authority: The Committee is authorized by 38 U.S.C. 2401 to provide advice to the Secretary of VA with respect to the administration of VA national cemeteries, soldiers' lots and plots, which are the responsibility of the Secretary, the erection of appropriate memorials and the adequacy of Federal burial benefits. The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

Membership Criteria and Qualification: NCA is requesting nominations for upcoming vacancies on the Committee. The Committee is composed of up to twelve members and several ex-officio members.

The members of the Committee are appointed by the Secretary of Veteran Affairs from the general public, including but not limited to:

(1) Veterans or other individuals who are recognized authorities in fields pertinent to the needs of Veterans;

(2) Veterans who have experience in a military theater of operations;

(3) Recently separated service members;

(4) Officials from Government, non-Government organizations (NGOs) and industry partners in the provision of memorial benefits and services, and outreach information to VA beneficiaries.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications, including but not limited to prior military experience and military deployments, experience working with Veterans, and experience in large and complex organizations, and subject matter expertise in the areas described above. We ask that nominations include information of this type so that VA can ensure diverse Committee membership.

Requirements for Nomination Submission: Nominations should be typed (one nomination per nominator). Nomination package should include:

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity),

and a statement from the nominee indicating the willingness to serve as a member of the Committee;

(2) The nominee's contact information, including name, mailing address, telephone numbers, and email address;

(3) The nominee's curriculum vitae; and

(4) A summary of the nominee's experience and qualifications relative to the membership considerations described above.

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of VA federal advisory committees is diverse in terms of points of view represented and the committee's capabilities. Appointments to this Committee shall be made without discrimination because of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: January 31, 2024.

Jelessa M. Burney,
Federal Advisory Committee Management Officer.

[FR Doc. 2024-02267 Filed 2-5-24; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0319]

Agency Information Collection Activity: Fiduciary Agreement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed

revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 8, 2024.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0319" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266-4688 or email maribel.aponte@va.gov.

Please refer to "OMB Control No. 2900-0319" in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C 5502.

Title: Fiduciary Agreement.

OMB Control Number: 2900-0319.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21P-4703 is primarily used as a legal contract between the VA and a Federal fiduciary. The form outlines the roles and responsibilities of the fiduciary concerning the use of VA funds. Without this agreement, disbursement of funds to the fiduciary would not be possible. This is a revision of a currently

approved collection as the respondent burden has decreased.	<i>Estimated Average Burden per Respondent:</i> 5 minutes.	By direction of the Secretary.
<i>Affected Public:</i> Individuals and households.	<i>Frequency of Response:</i> One time.	Maribel Aponte,
<i>Estimated Annual Burden:</i> 110 hours.	<i>Estimated Number of Respondents:</i> 1,331.	<i>VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.</i>
		[FR Doc. 2024–02301 Filed 2–5–24; 8:45 am]
		BILLING CODE 8320–01–P



FEDERAL REGISTER

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Part II

Department of Homeland Security

Federal Emergency Management Agency

44 CFR Part 61

National Flood Insurance Program: Standard Flood Insurance Policy,
Homeowner Flood Form; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 61

[Docket ID FEMA-2024-0004]

RIN 1660-AB06

National Flood Insurance Program: Standard Flood Insurance Policy, Homeowner Flood Form

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Flood Insurance Program (NFIP), established pursuant to the National Flood Insurance Act of 1968, is a voluntary program in which participating communities adopt and enforce a set of minimum floodplain management requirements to reduce future flood damages. Property owners within participating communities are eligible to purchase NFIP flood insurance. This proposed rule would revise the Standard Flood Insurance Policy by adding a new Homeowner Flood Form and five accompanying endorsements. The new Homeowner Flood Form would replace the Dwelling Form as a source of coverage for homeowners of one-to-four family residences. Together, the new Homeowner Flood Form and endorsements would more closely align with property and casualty homeowners insurance and provide increased options and coverage in a more user-friendly and comprehensible format.

DATES: Comments must be received on or before April 8, 2024.

ADDRESSES: You may submit comments, identified by Docket ID FEMA-2024-0004, via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Kelly Bronowicz, Product and Policy Development Division Director, Federal Insurance Directorate, Resilience, (202) 646-2559, FEMA-NFIP-Federal-Insurance-Policy@fema.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting comments and related materials. We will consider all comments and material received during the comment period.

If you submit a comment, include the Docket ID FEMA-2024-0004, indicate

the specific section of this document to which each comment applies, and give the reason for each comment. All submissions may be posted, without change, to the Federal e-Rulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. For more information about privacy and the docket, visit <https://www.regulations.gov/document?D=DHS-2018-0029-0001>.

Viewing comments and documents: For access to the docket to read background documents or comments received, go to the Federal e-Rulemaking Portal at <http://www.regulations.gov>.

II. Executive Summary

The United States is experiencing increased flooding and flood risk from climate change.¹ In a recent study, researchers found that changes in precipitation contributed to one-third of the flooding financial costs in the United States over the past three decades, totaling almost \$75 billion of the estimated \$199 billion in flood damages from 1988 to 2017.² Intensifying precipitation associated with climate change, and the associated increases in precipitation extremes and flooding, thus presents a significant financial risk to homeowners.³

There are four main ways to manage any risk: (1) acceptance; (2) avoidance; (3) mitigation; and (4) transference. Flood risk is a reality. No home is completely safe from potential flooding. Just one inch of flood water in a home can cost more than \$25,000 in damage.⁴ Homeowners must accept that the risk

¹ Climate change means that flood events are on the rise. Climate change is increasing flood risk through (1) more “extreme” rainfall events, caused by a warmer atmosphere holding more water vapor and changes in regional precipitation patterns; and (2) sea-level rise. See Rob Bailey, Claudio Saffioti, and Sumer Drall, *Sunk Costs: The Socioeconomic Impacts of Flooding* 3 and 8, MarshMcLennan (2021), found at https://www.marshmcclennan.com/content/dam/mmc-web/insights/publications/2021/june/Sunk-Cost_Socioeconomic-impacts-of-flooding_vF.pdf (last accessed Aug. 28, 2023).

² Frances V. Davenport, Marshall Burke, and Noah S. Diffenbaugh, *Contribution of historical precipitation change to US flood damages*, Proceedings of the National Academy of Sciences of the United States of America, Jan. 2021, 118 (4) e2017524118; DOI: 10.1073/pnas.2017524118, found at <https://www.pnas.org/content/118/4/e2017524118> (last accessed Aug. 28, 2023).

³ See also Don Jergler, “Climate Change Could Push Flood Losses in U.S. to \$40B by 2050,” *Insurance Journal* (Feb. 17, 2022), found at <https://www.insurancejournal.com/news/national/2022/02/17/654831.htm> (last accessed Aug. 28, 2023) (noting annual flood losses forecasted to increase by 26.4% from \$32B to \$40.6B).

⁴ See <http://www.floodsmart.gov/flood-insurance/why> (last accessed Aug. 28, 2023).

of flooding is increasing and with it, the potential for damage to their property. Homeowners can seek to reduce risk by building or purchasing homes away from natural flood hazards and can seek to mitigate risk by building or modifying homes to reduce potential damage from flooding. Homeowners can also transfer the risk by purchasing flood insurance.⁵

Congress created the National Flood Insurance Program (NFIP) in 1968 to help share the risk of flood losses through an insurance program to provide flood insurance coverage to those who need such protection.⁶ In the context of risk, the NFIP helps communities avoid and mitigate flood risk through adoption of floodplain management ordinances and helps policyholders transfer flood risk to the Federal Government.

Over the past five decades, the NFIP has been implemented primarily by FEMA (the “Agency”) to provide insurance to reduce the economic impact of floods.⁷ The Agency seeks to update the current Standard Flood Insurance Policy (SFIP) Dwelling Form to better serve a growing percentage of the public looking for ways to manage their risk through insurance, as they are now threatened by the increased risk of flooding. Most homeowners do not have flood insurance. Some homeowners are required to purchase flood insurance as a condition of any federal financial assistance for acquisition or construction of buildings in the special flood hazard area (SFHA) (e.g., mortgages, flood disaster grants) or as a condition of a loan secured by property in the SFHA while some homeowners choose to purchase it of their own volition. The decision to purchase flood insurance is frequently driven by whether they are subject to the mandatory purchase requirement rather than the actual flood risk to the property. Homeowners generally find it difficult to understand low probability/high impact risks such as flood damage to their property.⁸ If purchasing flood

⁵ Flood insurance is one risk management tool. “Governments tend to spend significantly more on disaster response than disaster prevention.” Rob Bailey, Claudio Saffioti & Sumer Drall, *Sunk Costs: The Socioeconomic Impacts of Flooding* 9, MarshMcLennan (2021), found at https://www.marshmcclennan.com/content/dam/mmc-web/insights/publications/2021/june/Sunk-Cost_Socioeconomic-impacts-of-flooding_vF.pdf (last accessed Aug. 28, 2023).

⁶ See 42 U.S.C. 4001(a).

⁷ From 1968 to 1979, the Department of Housing and Urban Development housed the Federal Insurance Administration, which administered the NFIP until its transfer to FEMA in Executive Order 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

⁸ See Peter John Robinson, W.J. Wouter Botzen, Howard Kunreuther, Shereen J. Chaudhry, *Default Options and Insurance Demand*, Journal of

insurance is not mandatory, then homeowners may not be convinced that they should purchase it. Given the cost of customer acquisition is high, private insurance companies generally are not focused on homeowners that are not required to purchase flood insurance.⁹

FEMA has not substantively updated its flood insurance products—the Dwelling Form, the General Property Form, and the Residential Condominium Building Association Policy (RCBAP)—since 2000. While these products have performed ably over two decades of service, they are overdue for revision. Consistent with the National Flood Insurance Act (NFIA) of 1968, FEMA must provide by regulation the general terms and conditions of insurability for properties eligible for flood insurance coverage. 42 U.S.C. 4013(a). Further, Executive Order 13563, “Improving Regulation and Regulatory Review,” requires agencies to complete retrospective analyses of

existing rules and periodically review existing significant regulations to determine whether they should be modified, streamlined, expanded, or repealed to better achieve the Agency’s regulatory objective. 76 FR 3821 (Jan. 21, 2011). FEMA seeks to make these revisions consistent with the requirements under the NFIA and Executive Order 13563. The proposed new Homeowner Flood Form would update the general terms and conditions of insurability under the NFIP while also modifying the existing regulations and policy to make the program more effective and less burdensome for homeowner policyholders as explained below. Additionally, consistent with Executive Order 14058, “Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government,”¹⁰ FEMA seeks to improve the homeowner policyholder experience with the NFIP through the proposed Homeowner Flood Form, by simplifying coverage terms, reducing complexity, and resolving key challenges faced by homeowner policyholders.

The proposed new Homeowner Flood Form provides a more personalized, customized product than the NFIP has ever offered during its more than 50 years in existence. Currently, the Dwelling Form serves homeowners, renters, landlords, mobile homeowners, and condo unit owners all in a single policy. The Dwelling Form also includes different coverage terms for certain buildings constructed, or substantially damaged or improved, on or after the effective date of the community’s initial Flood Insurance Rate Map (generally referred to as “post-FIRM buildings”) in an attempt to capture all possibilities. The current structure results in confusion for the homeowner policyholders looking for the specific coverage that applies directly to their situation, and imposes a series of choices onto consumers without offering an ability to change them.

The proposed new Homeowner Flood Form offers more choices to policyholders who own their own homes,¹¹ which help inform policyholders and prospective policyholders of increased risk of flooding and flood damage, and how best to cover their property as a result.

The proposed new Homeowner Flood Form offers enhanced comprehensive default coverages. For example, while much of the default coverage proposed would mirror existing default coverage in the Dwelling Form, FEMA is proposing to shift the default loss settlement from actual cash value to replacement cost value to help policyholders more effectively and more fully recover from loss. These decisions FEMA made in setting coverage defaults (1) nudge homeowner policyholders toward the more appropriate coverage to insure against their risk, and (2) represent FEMA’s strategic objective of positioning individuals to understand their risk and take well-informed actions.¹² This rulemaking also proposes new endorsements for additional coverages that homeowner policyholders may want in order to recover from flood events. A homeowner policyholder may want to expand their coverage and therefore increase their policy’s flood risk exposure (*i.e.*, purchase the basement coverage endorsement) even if it means they will pay more for the additional coverage, or they may wish to reduce their premium (*i.e.*, purchase the actual cash value endorsement) even if it means they stand to receive a smaller benefit post-loss. Until now, homeowner policyholders have been unable to make any personalized selections. FEMA is introducing choices consumers can make in several ways, through the use of endorsements that modify coverage. These choices will help homeowner policyholders learn about their coverages prior to loss.

The proposed new Homeowner Flood Form does not presuppose that homeowner policyholders are knowledgeable about floodplain management and flood risk. By changing coverage based on pre- or post-FIRM status, and by having certain terms only apply to certain zones, the Dwelling Form presupposes a level of homeowner policyholder floodplain management and flood risk knowledge. Unlike in the Dwelling Form, FEMA is not proposing to change coverage if the building covered is not a primary or principal residence, or if it is pre- or post-FIRM, or for any other reason. Ultimately, flood insurance coverage under the proposed new Homeowner Flood Form is there to help the homeowner policyholder recover. The premiums tied to the coverage choices homeowner policyholders make would

Economic Behavior and Organization at 2 (2020), found at <https://www.sciencedirect.com/science/article/pii/S0167268120304765> (last accessed Aug. 28, 2023). See also Rachel Cleetus *Overwhelming Risk: Rethinking Flood Insurance in a World of Rising Seas*, found at <https://www.ucsusa.org/sites/default/files/2019-09/Overwhelming-Risk-Full-Report.pdf> (last accessed Aug. 28, 2023) at 9: “In the wake of Sandy, it was estimated that only 15 to 25 percent of at-risk properties in Special Flood Hazard Areas (SFHAs) in the Northeast were insured for flood losses. Many coastal property owners do not carry adequate insurance or are simply not insured at all. It is estimated that, nationally, only 18 percent of households in flood zone areas, which include inland (lakeside and riverside) and coastal areas, have flood insurance.”

⁹ See Rob Bailey, Claudio Saffioti & Sumer Drall, *Sunk Costs: The Socioeconomic Impacts of Flooding* 24, MarshMcLennan (2021), found at https://www.marshmclennan.com/content/dam/mmc-web/insights/publications/2021/june/Sunk-Cost_Socioeconomic-impacts-of-flooding_vF.pdf (last viewed accessed May 2, 2022 Aug. 28, 2023). See also Noelwah R. Netusil, Carolyn Kousky, Shulav Neupane, Will Daniel & Howard Kunreuther, *The Willingness to Pay for Flood Insurance* at 33. “Among those who can afford a policy, they may not feel it provides value—that it is not ‘worth it’—if they fail to understand the role of insurance in their recovery, have challenges in assessing low probability events, or the policy terms do not meet their need,” found at <https://le.uwpress.org/content/wple/97/1/17.full.pdf> (last accessed Aug. 28, 2023). See also Tom Hammond *Lowering Costs of Customer Acquisition* found at <https://www.insurancethoughtleadership.com/customer-experience/lowering-costs-customer-acquisition> (last accessed Aug. 28, 2023); Becky Yerak *Direct insurers paying less to attract customers*, found at <https://www.chicagotribune.com/business/ct-customer-acquisition-costs-0515-biz-20150515-story.html> (last accessed Aug. 28, 2023); *How to Lower Customer Acquisition Cost in the Insurance Industry* found at <https://www.amsive.com/2021/09/14/how-to-lower-customer-acquisition-cost-in-the-insurance-industry-amsive/> (last accessed Aug. 28, 2023); and *Insurtechs Need to Ace Customer Acquisition Cost (CAC) Optimization* found at <https://rintupatnaik.medium.com/insurtechs-need-to-ace-customer-acquisition-cost-cac-optimization-b695bc45bf7b> (last accessed Aug. 28, 2023).

¹⁰ 86 FR 71357 (Dec. 16, 2021).

¹¹ The proposed Homeowner Flood Form would be offered to individuals owning a one-to-four family residential building. FEMA will evaluate any changes needed to forms for other types of policyholders (*e.g.*, other residential and commercial) based on public comment associated with this rulemaking.

¹² FEMA, 2022–2026 FEMA Strategic Plan, found at <https://www.fema.gov/about/strategic-plan> (last accessed Aug. 28, 2023).

signal the underlying risk and prompt mitigation efforts.

The proposed new Homeowner Flood Form adds directly into the policy terms flexibilities the Agency has had to implement via bulletin or other means, such as special procedures during catastrophic flood events and advance payments. These changes would help homeowner policyholders better understand the options available to them and learn about special procedures under the policy up front, rather than making them wait to find out via a bulletin after a flood event.

The proposed new Homeowner Flood Form also allows for a single deductible rather than multiple deductibles, reducing unnecessary administrative burdens for the homeowner policyholder. Additionally, the proposed new Homeowner Flood Form would provide FEMA with greater flexibility in implementing the flood insurance program. The proposed new Homeowner Flood Form removes unnecessary provisions of the current Dwelling Form policy, reducing the reliance on lists and pushing certain provisions to the declarations page for clarity. The insurance industry recognizes that many policyholders will not read their insurance policy¹³ and has endeavored to put critical information onto the declarations page to increase policyholder understanding of what is and is not covered. In the context of the NFIP, policyholders with basements continue to be surprised that under the current Dwelling Form, the policy provides limited coverage in a basement. Under the proposed new Homeowner Flood Form, the declarations page would include language along the lines that “This property includes a basement. The Homeowner Flood Form provides limited coverage in a basement.” This upfront tailoring of the policy to suit the homeowner policyholder’s choices and the placement of critical information on the declarations page would reduce the administrative sludge a homeowner policyholder faces during the claims process. Homeowner policyholders would better understand the coverages they have selected, information would be easily accessible on their declarations page, and their claims should reflect a better understanding of their coverages. This better understanding of their coverages should result in fewer denials, faster claims payments, and an

improved customer experience during a difficult time.

By making these changes and updating coverage, FEMA seeks to address the increased risk of flooding from climate change in several ways. These ways include (1) re-baselining the market, (2) introducing optionality, (3) creating market buzz, (4) creating the opportunity to build back in more resilient ways to reduce future flood risk post-loss, and (5) revamping increased cost of compliance coverage. First, the proposed rule would reset the market. Currently the existing and small private market for flood insurance sets the Dwelling Form as a baseline level of coverage. By revising the coverage in the proposed Homeowner Form, FEMA would drive the market in the right direction to ensure that homeowner policyholders are able to effectively transfer their flood risk. By increasing coverage, people are able to recover faster so that the last flood does not leave them more vulnerable to the next flood.¹⁴

Second, FEMA has utilized the “one size fits all” coverage for policyholders for 50 years. The proposed Homeowner Form seeks to address specific needs of specific homeowner policyholders through the choices being made available. FEMA proposes to increase optionality and require homeowners to assess their own risks, communicating those risks through coverage options and the costs associated with them.

Third, FEMA also anticipates that the changes in the proposed Homeowner Form would generate more interest in flood insurance as the last update occurred over 20 years ago. This interest could include insurance agents, for whom it will be easier to learn about flood insurance coverage. The proposed Homeowner Form would make flood insurance align more with other insurance products and thus more accessible to agents, who may then seek to sell more flood insurance as they better see the value of coverage for their clients.

Fourth, FEMA proposes to create the opportunity to build more resiliently by introducing provisions in its loss settlement clause that would enable homeowner policyholders to replace their damaged building elements with flood damage resistant materials. In addition, these same provisions would enable homeowner policyholders to

elevate flood damaged machinery and equipment to reduce the likelihood of future flood damage.

Finally, FEMA proposes to revamp its increased cost of compliance (ICC) provision. Previously, ICC appeared in the Dwelling Form as Coverage D, and its inclusion there was incongruous with the other coverages because it set out an eligibility framework and specifically listed out all the covered and uncovered compliance activities. FEMA proposes to simplify ICC so homeowner policyholders can better understand their ICC coverage, adjusters can more easily advise homeowner policyholders to consult their local floodplain management requirements, and local floodplain managers have appropriate discretion.

What follows below is an overview of the major changes in each section in the proposed Homeowner Flood Form as well as an analysis of the degree of change compared to the Dwelling Form. A detailed description of the changes is found later in this preamble.

Section I: Insuring Agreement. This section proposes a low level of change from the current Dwelling Form. It would simplify the language and organization of the global aspects of the Form, and replace references to Federal laws (e.g., the Coastal Barrier Resources Act and section 1316 of the NFIA) with a broader statement about conflicts with Federal law.

Section II: Definitions. This section proposes a moderate to high level of change from the current Dwelling Form. It would eliminate definitions for words only used once within the policy that are currently defined in the Dwelling Form; refine definitions for simplicity and clarity; make substantive changes to the definitions for “Basement,” “Building,” and “Flood”; and add definitions for new concepts such as “Flood Damage Resistant Materials” and “Replacement Cost Value.”

Section III: What We Cover. This section proposes a moderate to high level of change from the current Dwelling Form. It would combine sections III and IV from the Dwelling Form to present in one place all aspects of coverage (i.e., what is covered, what receives limited coverage, and what is not covered). It would also incorporate plain language, remove lists, and rephrase coverage currently phrased in the negative. In contrast to the Dwelling Form that offers different coverage based on flood zone and pre- or post-FIRM designation, the proposed Homeowner’s Form provides uniform coverage. In addition:

- **Coverage A.** It would allow homeowner policyholders to more

¹³ See Louise Castoria, “Is there a duty to read insurance contracts?” available at <https://www.propertycasualty360.com/2019/11/07/is-there-a-duty-to-read-insurance-contracts/> (last accessed on Aug. 28, 2023).

¹⁴ See Rob Bailey, Claudio Saffioti & Sumer Drall, *Sunk Costs: The Socioeconomic Impacts of Flooding* 3, MarshMcLennan (2021), found at https://www.marshmclennan.com/content/dam/mmc-web/insights/publications/2021/june/Sunk-Cost_Socioeconomic-impacts-of-flooding_vF.pdf (last accessed Aug. 28, 2023).

easily determine the existence of a basement for coverage purposes as further explained below.

- *Coverage B.* Similar to homeowners insurance coverage, Coverage B would provide coverage to restore certain other, non-dwelling buildings to a functional level. The amount of coverage would be a sublimit of the amount selected for Coverage A, without requiring a separate insurance policy.

- *Coverage C.* Due to the recharacterization of Coverage B for other buildings, and to align with homeowners coverage, Coverage C would address contents coverage and would expand personal property coverage to contents located anywhere in the United States. It would also clarify that coverage for items stored in digital format (like cryptocurrency) is excluded given challenges with proving loss.

Section IV: Exclusions. This section proposes a low to moderate level of change from the current Dwelling Form. It would limit items excluded from coverage in this section to those items excluded based on cause of the loss consistent with industry practice. It would address earth movement, pollutants, increase in hazard, and other excluded losses under the general heading of “Excluded Losses,” consistent with other lines of property coverage. It would keep “Flood in Progress” as a separate provision, and explicitly exclude coverage for pre-existing damage in a standalone provision.

Section V: Policy Conditions. This section proposes a moderate to high level of change from the current Dwelling Form. It would separate out the provisions from section VII of the current Dwelling Form that specifically apply to how the policy is administered, the policyholder-facing underwriting aspects of the policy. It would state in simple, plain language the reasons a homeowner policyholder may cancel the policy in accordance with current regulation.¹⁵ It would give FEMA discretion to extend the deadline to submit proof of loss to 365 days from the date of loss, and the deadline for policy renewal to 60 days from the policy’s expiration date (referred to as a “grace period”), following a presidentially-declared flood disaster in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act. FEMA has established a business practice of issuing proof of loss extensions for claims following a major flood event and grace period extensions

for flood insurance renewals. The proposed Homeowner Flood Form would normalize this course of business and make the provision discretionary, not mandatory, so that these flexibilities not found in the current Dwelling Form can be leveraged where appropriate. It would also allow insurers to accept and make payment on the adjuster’s reports and allow FEMA to issue special terms for advance payments not currently provided in the Dwelling Form.

Section VI: Procedures and Duties When A Loss Occurs. This section proposes a moderate to high level of change from the current Dwelling Form. The current Dwelling Form includes various provisions under its section VII (General Conditions) and the proposed Homeowner Flood Form would separate out the provisions that specifically apply to how losses are proven and paid for the homeowner policyholder in this section (*i.e.*, claims issues). It would simplify the options after a loss and extend the proof of loss deadline from the current Dwelling Form deadline of 60 days to 90 days. It would allow insurers to issue a de minimis advance payment to insureds up to five percent of the Coverage A limit of liability (without requiring the mortgage company to be on the check). The proposed Homeowner Flood Form would fold the deductible section from the Dwelling Form into a larger section and introduce language that presents the deductible as a single deductible rather than separate deductibles. It would also simplify loss settlement by removing distinctions between principal and primary residences, using replacement cost value as the default rather than the current Dwelling Form’s actual cash value default, and removing all special situations where only actual cash value applies.

Section VII: General Conditions. This section proposes a low to moderate level of change from the current Dwelling Form. It would reorganize the sections alphabetically and simplify language, add language to capture the ability to have other insurance from a private flood carrier not in the current Dwelling Form, and add sections on “Death,” “Headings and Captions,” and “Your Options After Our Denial.” FEMA is proposing to add a section on death to address situations where there are questions regarding the household residents, and to help alleviate the challenges associated with claims involving a deceased homeowner policyholder for their survivors. Under the Dwelling Form, FEMA observed instances where the family of deceased policyholders would have their claims denied by insurers participating in the

NFIP, on grounds that the SFIP prohibits assignment of claims. FEMA is therefore proposing to add a section on death to address and alleviate the challenges associated with claims involving a deceased homeowner policyholder for their survivors. FEMA proposes the “Your Options After Our Denial” section to present in one location the homeowner policyholder’s options after denial. This proposed section would reaffirm to homeowner policyholders that there are additional administrative options to work with the insurer to reach a resolution to a claim, but also incorporate requirements from the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004¹⁶ explaining the appeals process not currently found in the Dwelling Form.

III. Background

Congress created the National Flood Insurance Program (NFIP) through enactment of the National Flood Insurance Act of 1968 (NFIA) (Title XIII of Pub. L. 90–448, 82 Stat. 572), found at 42 U.S.C. 4001 *et seq.* The NFIP is a voluntary Federal program enabling property owners in participating communities to purchase flood insurance as a protection against flood losses. In exchange, participating communities must enact floodplain management regulations that incorporate the NFIP minimum floodplain management criteria. The minimum floodplain management criteria are designed to: (1) constrict the development of land which is exposed to flood damage where appropriate; (2) guide the development of proposed construction away from locations which are threatened by flood hazards; (3) assist in reducing damage caused by floods; and (4) otherwise improve the long-range land management and use of flood-prone areas. 42 U.S.C. 4102(c). These NFIP requirements apply to areas known as special flood hazard areas (SFHA) in participating communities.

FEMA administers the NFIP so that the provision of insurance and adoption of minimum floodplain management criteria are mutually reinforcing. NFIP flood insurance indemnifies property owners from flood losses, reducing the need for Federal disaster assistance. And NFIP floodplain management requirements reduce future flood damages, thus further reducing the need for Federal disaster assistance.

In addition to providing flood insurance and reducing flood damages through floodplain management, the NFIP identifies and maps the Nation’s floodplains. FEMA disseminates maps

¹⁵ See 44 CFR 62.5.

¹⁶ Public Law 108–264 (June 30, 2004).

depicting flood hazard information to create broad-based awareness of flood hazards and to identify the areas where the minimum floodplain management requirements apply.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) makes flood insurance mandatory for all federally-backed mortgages of properties located in special flood hazard areas. This is commonly referred to as the “mandatory purchase requirement.” Additionally, Federal agencies are prohibited from providing loans and grants to any property located in a special flood hazard area unless the property is covered by flood insurance. *See* 42 U.S.C. 4012a(a).

In general, the NFIP charges premium rates sufficient to cover the expected claims payouts and operating expenses. Such premium rates are commonly referred to as risk-based or actuarial rates. *See* 42 U.S.C. 4014(a)(1), 4015(b). In general, FEMA offers only actuarial rates to all buildings constructed, or substantially damaged or improved, on or after the effective date of the community’s initial Flood Insurance Rate Map (FIRM), generally referred to as “post-FIRM buildings.” *See* 42 U.S.C. 4015(c)(1). However, the NFIA makes available discounted rates for certain classes of properties. The most common discount is for certain policies covering buildings built or substantially improved prior to the community’s adoption of its initial FIRM, generally referred to as “pre-FIRM buildings.” *See* 42 U.S.C. 4014(a)(2), 42 U.S.C. 4015(a).

FEMA must also provide discounted rates for properties newly mapped into a SFHA for the first time. *See* 42 U.S.C. 4015(i). FEMA gradually phases out these discounts within the premium increase caps set by statute. For the “first policy year,” FEMA must provide homeowner policyholders of newly mapped-in properties the newly mapped discount and increase the premium “in accordance with” the Act’s annual limitation of premium increases until the premium reaches its full-risk rate. *Id.*; *see also* 42 U.S.C. 4014(a)(1) (full-risk rates); 42 U.S.C. 4015(e) (annual limitation).

The NFIA limits annual premium increases to not more than 18 percent for any property, with limited exceptions. 42 U.S.C. 4015(e)(1). However, this premium increase cap does not apply (1) to certain pre-FIRM properties for which the NFIA mandates FEMA to increase premiums by 25 percent a year until they reach full-risk rates; (2) to properties within a community which has experienced a downgrade in the NFIP’s community

rating system;¹⁷ (3) where the homeowner policyholder has changed the amount of coverage or deductible amounts; and (4) where the property was misrated.^{18 19}

The NFIA requires FEMA to provide by regulation the “general terms and conditions of insurability . . . applicable to properties eligible for flood insurance coverage.” 42 U.S.C. 4013(a). To comply with this requirement, FEMA adopts the Standard Flood Insurance Policy (SFIP) in regulation, which sets out the terms and conditions of insurance. *See* 44 CFR part 61, Appendix A. FEMA must use the SFIP for all flood insurance policies sold through the NFIP. *See* 44 CFR 61.13.

The SFIP is a single-peril (flood) policy that pays for direct physical damage to insured property. There are three forms of the SFIP: the Dwelling Form, the General Property Form, and the Residential Condominium Building Association Policy (RCBAP) Form. The Dwelling Form insures a one-to-four family residential building or a single-family dwelling unit in a condominium building. *See* 44 CFR part 61, Appendix A(1). Policies under the Dwelling Form offer coverage for building property, up to \$250,000, and personal property up to \$100,000.²⁰ The General Property Form insures a five-or-more family residential building or a non-residential building. *See* 44 CFR part 61, Appendix A(2). The General Property Form offers coverage for building and contents up to \$500,000 each.²¹ The RCBAP Form insures residential condominium association buildings and offers building coverage up to \$250,000 multiplied by the number of units and contents coverage up to \$100,000 per building. *See* 44 CFR part 61, Appendix A(3). RCBAP contents coverage insures property owned by the insured condominium association. Individual

¹⁷ The Community Rating System (CRS) is a voluntary program for communities participating in the NFIP. The CRS offers NFIP policy premium discounts in communities that develop and execute extra measures beyond minimum floodplain management requirements to provide protection from flooding. *See* 42 U.S.C. 4022(b).

¹⁸ A misrated policy occurs when a policy premium is incorrect because one or more rating characteristics are incorrect. Rating characteristics used to determine premium include items such as: loss history, building occupancy, building use, and primary residency status, among others. For more information, *see* https://www.fema.gov/sites/default/files/documents/fema_nfip-flood-insurance-manual-sections-1-6_oct2021.pdf (last accessed Aug. 28, 2023).

¹⁹ There are other exceptions, which are seldom triggered, for properties where the policy has lapsed (42 U.S.C. 4014(g)(1)) and where the owner has refused mitigation assistance (42 U.S.C. 4014(g)(2)).

²⁰ *See* 42 U.S.C. 4013(b).

²¹ *Id.*

unit owners must purchase their own Dwelling Form policy in order to insure their own contents.

In addition to coverage for building or contents losses, most NFIP policies also include Increased Cost of Compliance (ICC) coverage.²² ICC coverage applies when flood damages are so severe that the local government declares the building “substantially damaged,” thus requiring the building owner to bring the building up to current community standards. If a community has a repetitive loss ordinance, ICC coverage will also cover compliance requirements for a repetitive loss structure. ICC coverage provides up to \$30,000 of the cost to elevate, demolish, floodproof, or relocate an insured building or any combination thereof.

IV. Discussion of the Proposed Rule

FEMA last substantively revised the SFIP in 2000. *See* 65 FR 60758 (Oct. 12, 2000).²³ In 2020, FEMA published a final rule that made non-substantive clarifying and plain language improvements to the SFIP. *See* 85 FR 43946 (July 20, 2020). However, many policyholders, agents, and adjusters continue to find the SFIP difficult to read and interpret compared to other, more modern, property and casualty insurance products found in the private market.²⁴ To achieve Objective 2.2 of FEMA’s 2022–2026 Strategic Plan of building a climate resilient nation (*i.e.*,

²² ICC is authorized in 42 U.S.C. 4011(b).

²³ FEMA adopted another substantive change in 2003 when it increased the limits for ICC coverage from \$20,000 to \$30,000. *See* 68 FR 9895 (Mar. 3, 2003).

²⁴ *See, e.g.*, The Institutes’ Handbook of Insurance Policies, American Institute for Chartered Property Casualty Underwriters, 12th ed. (2018) (containing copies of modern property casualty forms). The Insurance Services Office (ISO)’s template homeowners form (“HO–3” form) appears on page 5 and demonstrates the simplicity of this policy compared to the SFIP. The NFIP receives a high volume of inquiries on the SFIP, further demonstrating the challenges in reading and interpreting the SFIP. Policy inquiries generally make up 43 percent of the total inquiries received by FEMA’s “Ask the Experts” tracking system between 2019 and May 2021. *See also* Barlow, Christine G., *Personal Flood Insurance Coverage Guide* (2018) at 51: “The historic flooding from hurricanes in 2017 has only continued to highlight the issues with the current NFIP program and its ability to provide coverage for the claims that continue to occur. Because of this . . . ISO has developed a personal flood program to provide the industry with standalone private flood forms.” The Chapter (Chapter 4) goes on to compare the coverage to standard homeowner coverage and reference existing endorsements that agents can use with their flood form. *See also id.* at chapter 6 (p. 85): “Because [the private flood form] was developed by ISO it bears similarities to the ISO Homeowners Policy, making it easier to dovetail coverages so that the insured has no gaps in coverage. Because of this, many sections of the flood policy are identical or very similar to the homeowners policy.”

increasing the number of properties with flood insurance and ensuring adequate insurance coverage),²⁵ FEMA consulted with property and casualty experts over time²⁶ and received valuable suggestions on ways to align the SFIP's design with industry standards and practices and improve its readability. Accordingly, FEMA incorporated these suggestions into a new form of the SFIP, the Homeowner Flood Form, as well as several accompanying endorsements to that form.²⁷ FEMA now proposes to adopt this new Homeowner Flood Form and its endorsements. FEMA intends that this new Homeowner Flood Form will be more user-friendly and comprehensible and, as a result, will make it easier for agents to sell flood insurance and close the insurance gap.

FEMA is committed to building a culture of preparedness, and such a culture necessarily includes individuals, communities, and businesses managing risks through proper insurance coverage. One of FEMA's roles is to help people understand their risk and the available options to best manage those risks. Flood insurance is an effective tool to transfer risk and enable rapid recovery. The proposed Homeowner Flood form would help build this culture by better advising homeowners of their flood risks and options to manage those risks.

Flooding can be an emotionally and financially devastating event. Experience has shown repeatedly that individuals, communities, and businesses who manage risk through insurance accelerate their financial recovery after a disaster.²⁸ If an individual does not have adequate savings to repair or replace their property, flood insurance will help fill

that gap when a flood occurs. Flood insurance allows homeowners to recover quicker by providing the funds needed to repair or replace property after a disaster. The proposed Homeowner Flood Form would provide homeowners with options to more quickly receive funds to help accelerate their financial recovery.

With flood insurance, individuals are able to financially recover faster. While grants provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act")²⁹ may support survivors in the immediate aftermath of a presidentially-declared disaster, this Federal support is only intended to meet basic needs as a survivor moves forward with recovery. Federal disaster assistance typically comes in two forms to individuals: a loan, which must be paid back with interest, or a FEMA disaster grant, which averages approximately \$5,000 per household.³⁰ A disaster grant is not intended to make survivors whole and is not a substitute for insurance. The average flood insurance claim in 2019 was more than \$50,000.³¹ Maintaining flood insurance is therefore critical to rebuilding a home and replacing belongings following a flood.

Moreover, when a flood results in a presidentially-declared disaster, flood insurance not only benefits those directly affected by a flood, it also reduces the need for Federal disaster assistance and lowers costs for taxpayers. Because one of FEMA's goals is to close the Nation's insurance gap, and because homeowners make up the majority of NFIP policyholders, FEMA is working to encourage homeowners to better understand their risk and purchase adequate insurance coverage to reduce their losses from flood.³² FEMA is proposing this new Form for that purpose.

The new Homeowner Flood Form, which FEMA proposes to add to its regulations at 44 CFR 61 Appendix A(4), would protect property owners in a one-to-four family residence. Upon adoption, the Homeowner Flood Form

would replace the Dwelling Form as a source of coverage for this class of residential properties.³³ FEMA would continue to use the Dwelling Form to insure landlords, renters, and owners of mobile homes, travel trailers, and condominium units. (FEMA will evaluate any changes needed for these other types of residential policyholders, as well as commercial policyholders, based on public comment associated with this rulemaking). Compared to the current Dwelling Form, the new Homeowner Flood Form would clarify coverage and more clearly highlight conditions, limitations, and exclusions in coverage as well as add and modify coverages and coverage options. FEMA also proposes adding to its regulations five endorsements to accompany the new Form: Increased Cost of Compliance Coverage, Actual Cash Value Loss Settlement, Temporary Housing Expense, Basement Coverage, and Builder's Risk. These endorsements, which FEMA proposes to codify at 44 CFR 61 Appendices A(101)-(105), respectively, would give homeowner policyholders the option of amending the Homeowner Flood Form to modify coverage with a commensurate adjustment to premiums charged.³⁴ Together, the Homeowner Flood Form and accompanying endorsements would increase options and coverage for owners of one-to-four family residences.

A. 44 CFR 61.2: Definitions

44 CFR 61.2 provides that the definitions set forth in 44 CFR part 59 apply to 44 CFR part 61. FEMA proposes to revise this provision to clarify that the definitions set forth in part 59 apply to part 61, including appendices, but if an appendix defines a term differently, that definition controls for the purposes of that appendix. FEMA proposes this revision for clarity and accuracy.

B. 44 CFR 61.13: Standard Flood Insurance Policy

44 CFR 61.13 describes the Standard Flood Insurance Policy. Section 61.13(a), "Incorporation of forms," states that each of the SFIP forms included in Appendix A hereto (General

²⁵ FEMA. 2022–2026 FEMA Strategic Plan. https://www.fema.gov/sites/default/files/documents/fema_2022-2026-strategic-plan.pdf.

²⁶ FEMA conducted interviews with flood insurance professionals in its loaned executive officer program in spring of 2017. FEMA procured insurance product expertise from Milliman, Stanley Parsons, and Hinshaw between 2017–2019. FEMA engaged with and sought feedback from ten Write Your Own companies in the summer of 2019.

²⁷ An endorsement is a written document attached to an insurance policy that modifies the policy by changing the coverage provided by the policy. Also known as a "rider," "addendum," or "attachment," an endorsement can add coverage for acts or things not covered by the original policy, limit or subtract coverage, add or remove exclusions or conditions, or otherwise modify the policy.

²⁸ In 2017, a costly year due to Hurricanes Harvey, Irma, and Maria, the NFIP paid an average claim amount of more than \$90,000, while the average disaster assistance grant was just \$9,000. See FEMA Fact Sheet on Flood Insurance: A Small Price to Pay for Peace of Mind at: https://agents.floodsmart.gov/sites/default/files/flood-insurance-small-price-pay-peace-of-mind-fact-sheet_jun20.pdf (last accessed Aug. 28, 2023).

²⁹ Public Law 93–288; 42 U.S.C. 5121 *et seq.*

³⁰ See <http://www.floodsmart.gov/flood-insurance/requirements> (last accessed Aug. 28, 2023).

³¹ *Id.* See also <https://www.fema.gov/data-visualization/historical-flood-risk-and-costs> (last accessed Aug. 28, 2023).

³² Although the NFIP does not maintain data on the ownership status of policyholders, FEMA estimates that a majority of policyholders are homeowners. This estimation stems from certain assumptions based on NFIP eligibility rules and coverage type (for instance, a policyholder with building coverage must own the building, and a policyholder with contents coverage only is likely a renter).

³³ FEMA estimates that roughly 88.4% of current Dwelling Form policyholders are homeowners and therefore would use the proposed Homeowner Flood Form. Homeowners as a percentage of policyholders was estimated using data from the PIVOT database from 2010 through 2019. The PIVOT database is the NFIP's official system of record which contains NFIP information.

³⁴ These endorsements would be available to homeowner policyholders to amend only the Homeowner Flood Form; they would not be available to amend the current SFIP forms for other types of policyholders.

Property, Dwelling, and Residential Condominium Building Association) and incorporated herein shall be incorporated into the SFIP. FEMA proposes to remove “(General Property, Dwelling, and Residential Condominium Building Association)” so that the provision states simply that each of the SFIP forms included in Appendix A hereto and by reference incorporated herein shall be incorporated into the SFIP. The removal of this phrase would allow FEMA to incorporate the new Homeowner Flood Form, as well as any additional forms that FEMA may implement in the future, without having to revise this section upon issuance of each new form.

C. Appendix A(4): Homeowner Flood Form

As mentioned above, FEMA has not substantively updated the SFIP since 2000. While the SFIP has performed ably over the last two decades, FEMA

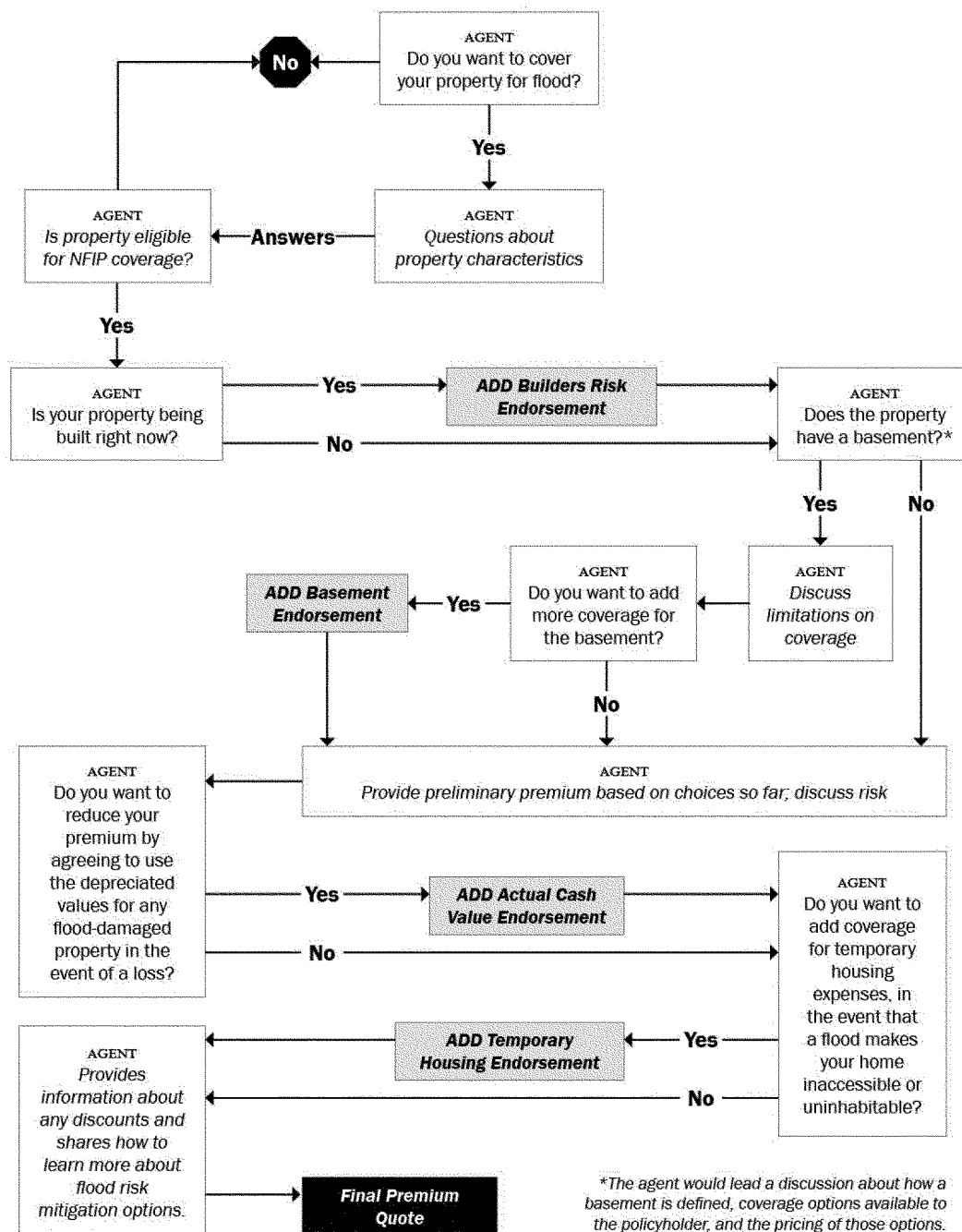
recognizes that changes in consumer expectations, technology, and the insurance industry over the last 20 years warrant an update to it. The new Homeowner Flood Form and its accompanying endorsements would provide a more personalized, customizable product than the NFIP has offered during its 50 years. In addition to aligning with property and casualty homeowners insurance, the result would increase consumer choice. For instance, rather than universally limiting basement coverage, the new Form allows homeowner policyholders to choose their coverage based on their understanding of flood risk and the coverage they desire. The Form would also simplify coverage, such as offering the same coverage on a building regardless of whether it is a primary residence or not, or pre- or post-FIRM, and removing the importance of flood

zones for purposes of coverage.³⁵ Ultimately, the purpose of coverage is to help homeowner policyholders recover, and FEMA anticipates that the premiums tied to homeowner policyholders’ coverage choices would signal the underlying risk and prompt mitigation efforts.

The following chart illustrates how homeowner policyholders could customize their policy at the point of sale:

BILLING CODE 9111-52-P

³⁵ Although the Form would offer the same coverage regardless of flood zone, the premiums charged would continue to differ based on risk. For instance, owners of riskier buildings, such as pre-FIRM buildings and buildings with the lowest level below Base Flood Elevation, would continue to pay more in premiums for the same level of coverage compared to a building carrying less risk. This is because the NFIP will continue charging the most accurate actuarial rates it can based not just on flood maps, but other information (such as distance to water sources and elevations) as improvements in technology allow, as discussed in greater detail below.

Policyholder with Agent: Homeowner Flood Form Point of Sale—Choice Architecture**BILLING CODE 9111-52-C**

Simplifying the Policy for Homeowner Policyholders and Plain Language Efforts

The Form would provide FEMA with greater flexibility in administering flood insurance. Unlike the Dwelling Form, which is highly prescriptive and includes long lists of covered items, the new Form would further incorporate plain language, remove unnecessary provisions, reduce reliance on lists, and highlight certain specifics on the

declarations page. Moreover, the Form would add in flexibilities, like special procedures during catastrophic flood events.³⁶ Altogether, the proposed

³⁶ FEMA currently provides special procedures for catastrophic events through bulletins issued on a catastrophe-by-catastrophe basis. See e.g., Bulletin W-17030, "Activation of NFIP Catastrophic Event Enhanced Claim Payment Process for Hurricane Harvey," (Sept. 3, 2017), found at <https://nfip-services.floodsmart.gov/sites/default/files/w-17030.pdf> (last accessed Aug. 28, 2023); Bulletin W-17031a, "Guidance for Advance Payments for Hurricane Harvey," (Sept. 4, 2017), found at <https://nfip-services.floodsmart.gov/sites/default/files/w-17031a.pdf> (last accessed Aug. 28, 2023).

products would allow FEMA to provide homeowners with better, more tailored coverage.

nfip-services.floodsmart.gov/sites/default/files/w-17031a.pdf (last accessed Aug. 28, 2023); Bulletin W-17035, "Hurricane Harvey Enhanced Claim Handling for Prior Loss and Contents Claims under the Dwelling Form of the SFIP," (Sept. 9, 2017), found at <https://nfip-services.floodsmart.gov/sites/default/files/w-17035.pdf> (last accessed Aug. 28, 2023). FEMA proposes to incorporate these special procedures into the Homeowner Flood Form for ease of administration and to increase transparency.

As an insurance contract, the new Form has to be capable of being read from start to finish as well as quickly navigable to find the specific information in the event of an issue or a loss. To maintain certain decades-old foundational concepts, limit implementation errors, and minimize disruption to the administration of the NFIP, FEMA found it necessary to favor certain flood insurance terminology and/or terms of art even where the phrasing may seem stuffy or overworked. FEMA is proposing several changes with plain language in mind and seeks comment on whether the proposed changes result in the desired clarity. Specifically, FEMA proposed to change the organization of the policy, such that fewer sections are provided in the overall policy and similar concepts are grouped together to allow the reader to know what is and is not covered without having to review a section and then have to return to it again for clarity. FEMA is also proposing to add headers and captions to guide the reader and improve comprehension. Insurance professionals often “speak by citation,” quoting the policy provisions by location rather than name. The headers and captions will help non-insurance professionals quickly understand what is in those citations. FEMA proposes italicizing defined terms throughout the policy as a signal to the reader that this is one of those defined terms they read and thus allowing the reader to refer back to the definitions as appropriate. FEMA is also proposing to define specific terms not used elsewhere in the policy within the clause. For example, “pollutants” is defined in the proposed III.A.3.d, rather than in the proposed section II. FEMA is proposing to remove technical information. The Dwelling Form makes reference to specific flood zones, post-FIRM buildings, and defines numerous terms not relevant to the policyholder with coverage under the SFIP. FEMA also seeks comment on other ways the Form can be revised to improve the policy’s language and decrease confusion.

Potential Benefits and Impacts on Disadvantaged Communities

FEMA believes that the proposed changes to the Homeowner Flood Form will reduce burdens on low-income and other disadvantaged communities particularly affected by changing conditions and increased flooding. FEMA’s current authority requires actuarial rates, which can impact low-income and other disadvantaged communities. By offering choices such as options for actual cash value or replacement cost value coverage and

basement coverage options, FEMA believes that homeowner policyholders can make a value judgment regarding the extent of their coverage.³⁷ FEMA seeks specific comment on the potential benefits and impacts of this proposed rulemaking on various geographic regions and communities, including based on income, insurance access, and affordability.

Premium Rates

The changes proposed in this rule would generally not impact the NFIP’s premium structure. A decision to select more robust coverage, as with all insurance coverage, would result in increased premiums.

Homeowner Flood Form

1. Section I: Insuring Agreement

FEMA proposes to consolidate multiple sections from the Dwelling Form into one larger section. Specifically, elements of sections I and X of the Dwelling Form appear in proposed section I.A on governing law to make clear that this is a Federal policy and is governed by Federal law.³⁸ Proposed section I.A would retain the language indicating that Federal law governs all disputes regarding the policy and claims handling. Standard Flood Insurance Policies are sold by private WYO insurance companies and directly to the public by FEMA’s direct servicing agent, NFIP Direct. Because the NFIP is national in scope and accomplishes a number of programmatic missions in addition to making affordable flood insurance generally available to the public, the SFIP provides that its terms cannot be altered, varied, or waived except by the written authority of the Federal Insurance Administrator.³⁹ The Administrator intends that the same benefits should be available to all those insured wherever the insured property is located, or whether the policy is purchased from a WYO insurance company or from NFIP Direct. There is a continued need for uniformity in the interpretation of and standards

applicable to the policies and their administration. FEMA is reiterating the policy language pertaining to applicable law to emphasize that matters pertaining to the SFIP are governed exclusively by Federal law. Proposed section I.B on conflicts with Federal law would eliminate the need to list specific legal authorities that currently or could eventually conflict with the policy.⁴⁰ Listing all potentially applicable laws here is unnecessary, unwieldy, and constrains any future flexibility. Consistent with the goals of updating the SFIP, this revised section would increase readability and comprehensibility.

Like the Dwelling Form at section I.C, proposed section I.C of the new Form would detail the terms of the agreement to pay for direct physical loss by or from flood and would also state that a homeowner policyholder would only receive compensation up to the limits of liability listed on the declarations page. This proposed section would continue to clarify that the “full amount due” includes applicable premiums, surcharges, and fees to help homeowner policyholders understand that the full amount due can be reduced by these outstanding amounts. Additionally, the section would require that the information furnished by the homeowner policyholder be “complete” and accurate to negate incomplete proof of loss issues that can delay claims processing.

Proposed section I.D would move the policy term (currently in the Dwelling Form at section VII.E.1) to the front of the agreement section, separated from the policy renewal content, to make clear to the homeowner policyholder at the top of the form, how long the agreement lasts. Proposed section I.E would incorporate the liberalization clause from the Dwelling Form (article IX), authorizing FEMA to make changes that broaden coverage without an additional premium and making those changes automatically apply to the policy as of the date the change is implemented with certain caveats. Throughout the policy, FEMA proposes to modify timeframes to ensure clarity on how days are calculated under the policy. For example, proposed section I.E. would specify a 60 “calendar” day window prior to or during the policy term rather than a 60-day window as the Dwelling Form provides. The NFIP

³⁷ FEMA believes additional equitable and affordability solutions require legislative change. See generally <https://www.fema.gov/flood-insurance/rules-legislation/congressional-reauthorization/legislative-proposals> (last accessed Aug. 28, 2023).

³⁸ See generally 42 U.S.C. 4011(a), 4053, 4072; 44 CFR 59.2, 61.5(e), 62.22, 62.23(g).

³⁹ See also *Nelson v. Becton*, 929 F.2d 1287, 1291 (8th Cir. 1991) (“The purpose of the National Flood Insurance Program is to provide flood insurance, which otherwise would not be available, on a uniform nationwide basis. To apply the varying reasonable expectations doctrines of the insurance laws of individual states would ‘frustrate [these] specific objectives of the Federal program[.]’” (citing *United States v. Kimbell Foods*, 440 U.S. 715, 728 (1979))).

⁴⁰ For example, the current Dwelling Form contains references to other legal authority throughout, such as in sections IV.15 (referencing the Coastal Barrier Resources Act, the Coastal Barrier Improvement Act, and related amendments) and V.E (discussing leasing land from the Federal Government).

currently operates based on calendar days, and specifying this in the policy promotes consistency and transparency, reducing the likelihood that a homeowner policyholder might wrongly assume that “days” are “business” days. Finally, proposed section I.F would retain the right of review language currently in section I.D of the Dwelling Form and incorporate concepts from section VII.D of that form, including the right to request additional information and revising the amounts due from the homeowner policyholder based on any information reviewed. These revisions would ensure the homeowner policyholder is aware of the key terms of the agreement at the onset.

3. Section II: Definitions

First, FEMA proposes to retain in proposed section II.A the upfront clarification that the pronouns “you” and “your” refer to the insured(s), and that “we,” “us,” and “our” refer to the insurer. This clarification concerning the use of pronouns has been in the current SFIP forms since 1982,⁴¹ and retaining this clarification comports with plain language guidelines.⁴² FEMA proposes to move the language currently in section II.A of the Dwelling Form regarding the policyholder’s spouse and the language defining “insured(s)” to a new definition for “Insured(s).” FEMA also proposes not to retain the statement that some definitions are complex due to their presence in statute, regulation, or case law, because this sentence is unnecessary.

In section II.B, FEMA proposes to change the definition of “flood.” FEMA proposes “Flood” to mean a general and temporary condition of partial or complete inundation of normally dry land from (1) overflow of inland or tidal waters; (2) unusual and rapid accumulation or runoff of surface waters from any source; (3) mudflow, defined as a river of liquid and flowing mud on the surface of normally dry land, as when earth is carried by a current of water; or (4) sudden erosion or undermining of land along the shore of a lake or similar body of water caused by waves or currents of water exceeding anticipated cyclical levels that causes collapse or subsidence of land resulting in a flood. FEMA proposes not to retain the language currently in the Dwelling Form at section II.B.1 limiting flood to

two or more acres, or two or more properties, one of which is the policyholder’s, because it is unnecessarily restrictive: It deviates from the definition at 44 CFR 59.1, which does not include this limitation, and flood insurance adjusters can experience issues with finding a second property to qualify as a flood, or accessing other properties to investigate whether flooding occurred. FEMA proposes to define “mudflow” where it appears (*i.e.*, within the definition of flood), rather than later in the definitions, to save homeowner policyholders from having to reference a separate part of the policy for it. This is a change to the location of the definition, and not the meaning, as FEMA would continue to use the definition of “mudflow” from the Dwelling Form. FEMA’s proposed sub-definition for “erosion” is substantively the same as the Dwelling Form’s except that it specifies that the erosion must be *sudden*, making it clear that gradual erosion would not result in a flood under the policy. These proposed changes to the definition of “Flood” would simplify coverage; FEMA does not intend to broaden or narrow coverage here, and would continue to limit coverage where a homeowner policyholder causes a flood or where the cause is wind-driven rain (through a roof or window, etc.) or some other water source (*see* proposed section IV.A.5).

FEMA proposes to relocate and revise the definition of “Building” and incorporate a revised definition of “Basement” and add a definition for “Enclosure” within proximity of the definition of “Building” in section II.C. This relocation of terms will make it easier to read the definition of the structural elements applicable to buildings in context of one another. “Building” would be defined as “a structure, the construction of which has been completed, that has a fully secured roof and solid, vertical, load-bearing walls and is affixed to a permanent site.” FEMA proposes to replace the phrase “two or more outside rigid walls” with “solid, vertical, load-bearing walls” because this description is more accurate, and specifying a number is unnecessary as “walls” is already plural. This proposed definition would not include the sub-definitions for mobile homes or travel trailers because, as mentioned above, owners of these units would continue to be covered under the Dwelling Form.⁴³ In

addition, FEMA proposes to remove references to gas or liquid storage tanks, shipping containers, recreational vehicles, park trailers, or other similar vehicles—because as these are not buildings, specifically excluding them from the definition is unnecessary.

Under the current Dwelling Form at section II.C.5, a “Basement” is defined as “[a]ny area of a building, including any sunken room or sunken portion of a room, having its floor below ground level on all sides.” Sometimes this definition does not align with homeowner policyholder expectations that may consider what is defined in the Dwelling Form as a basement to be the first floor of their home.⁴⁴ Under the current Dwelling Form, coverage is limited in basements to specific items and homeowner policyholders cannot choose to increase coverage if they want it for areas of their home they may not otherwise consider to be a “Basement.” The proposed definition for “Basement” would state that a basement is “any area of a building having its floor level below ground level on all sides, regardless of design or use.” The proposed definition would further clarify that “An area of a

updates to the underwriting rules used by the Program.

⁴⁴ See Donovan Finn and John Travis Marshall, *Superstorm Sandy at Five: Lessons on Law as Catalyst and Obstacle to Long-Term Recovery Following Catastrophic Disasters*, 48 *Env’tl. L. Rep.* 10494 (2018), found at https://commons.library.stonybrook.edu/cgi/viewcontent.cgi?article=1004&context=somas_articles (last accessed Aug. 28, 2023). “For instance, consider flood insurance regulations and the seemingly simple question: what is a basement? In many parts of the country that would cause little confusion; according to the NFIP a basement is ‘[a]ny area of the building having its floor subgrade (below ground level) on all sides.’ However, this seemingly straightforward definition became a source of significant concern for many building owners after Sandy. In New York City, Hoboken, Jersey City, and other municipalities in the region, the NFIP definition of a basement also technically describes many thousands of housing and retail units at the lowest level of attached row houses that are known in the local vernacular as ‘ground floor’ or ‘garden units.’ Such units may be located anywhere from a few inches to three feet below grade and, if conforming to stipulations in local laws, are legal for use as individual apartments, shops, offices, or fully habitable levels of a single-family home. Many buildings containing this kind of unit actually have an additional cellar or basement level underneath this ‘ground’ level. However, while these units may sit above a second basement, and although they are discrete legal residences or commercial units according to local zoning and building codes, these units are classified by FEMA as basements and are therefore ineligible for NFIP reimbursement. One infamous case involved a Hoboken resident whose NFIP claim was denied because his apartment was determined to be 0.13 inches below grade.” *See also* <https://www.wxyz.com/news/what-does-fema-cover-if-youre-denied-help-after-floods-here-are-some-other-options> (last accessed Aug. 28, 2023) and <https://www.wxyz.com/news/why-many-people-are-being-denied-fema-flood-assistance> (last accessed Aug. 28, 2023).

⁴¹ Prior to 1982, the forms referred to “insurer” and “insured” throughout. *See e.g.*, 44 CFR 61 App. A(1) (1981).

⁴² *See* “Federal Plain Language Guidelines,” Mar. 2011, at 30, found at <https://www.plainlanguage.gov/media/FederalPLGuidelines.pdf> (last accessed Aug. 28, 2023).

⁴³ The proposed Homeowner Flood Form may insure some manufactured homes. Guidance regarding this coverage will be detailed in future

building is below ground level when the land touching the exterior of the building is above its floor level. An area of a building is presumed to be below ground level when it is necessary to walk up steps or a slope to reach the land surrounding the building. A professional land survey or report may rebut this presumption.”

FEMA proposes this definition to better explain its application to the area in the building, to the extent the definition is not aligned with a homeowner policyholder’s conception of a basement. This proposed definition would better allow homeowner policyholders and their agents to identify whether they have a basement at the point of sale. The Homeowner Flood Form offers homeowner policyholders limited coverage for a basement by default. FEMA seeks comment on this proposed definition of basements to better address the needs and understanding of homeowner policyholders.

“Enclosure” would mean an area that exists below the dwelling and used in accordance with local floodplain management ordinances or law for the parking of vehicles, building access, or storage, and is shown on the declarations page. FEMA proposes this new definition to more clearly differentiate enclosures from basements.

FEMA is proposing to relocate the definitions currently found in section II.B of the Dwelling Form to section II.D and is proposing to include or modify several, but not all, definitions that are currently in the Dwelling Form, and to add several others. First, FEMA proposes to retain, with minimal to no changes, the definitions for “Act,” “Described Location,” “National Flood Insurance Program,” and “Policy.” “Act” would continue to be defined as the National Flood Insurance Act of 1968 (42 U.S.C. 4001 *et seq.*). “Described Location” would be defined as the location of the insured building, as shown on the declarations page. The “National Flood Insurance Program” would continue to be defined as FEMA’s program of flood insurance coverage and floodplain management administered under the “Act.” Lastly, the definition for “Policy” would specify that it is the entire written contract between the homeowner policyholder and FEMA to include: (1) the Homeowner Flood Form; (2) the completed application for insurance; (3) the declarations page; (4) any endorsements issued; and (5) any addenda FEMA attaches to the Form upon application or renewal.

FEMA proposes minor, but somewhat more meaningful changes to the

definitions for “Actual Cash Value,” “Declarations Page,” “Direct Physical Loss By or From Flood,” and “Dwelling.” The definition for “Actual Cash Value” would continue to be the cost to replace an insured item of property at the time of loss, but FEMA proposes to replace the phrase “less the value of its physical depreciation” with “less depreciation based on its age and condition.” FEMA proposes to specify that depreciation is based on the insured item’s age and condition to explain what “physical depreciation” means. The definition for “Declarations Page” would state that it is a document provided to homeowner policyholders summarizing the coverage limit(s), premium, insured(s), and other information about the policy, and that it is a part of the policy. FEMA proposes this definition because it is more modern than the Dwelling Form’s current definition of a “computer-generated summary. . . .” FEMA proposes “Direct Physical Loss By or From Flood” to mean actual physical loss or damage to the insured property directly caused by a flood. FEMA chose not to retain the sentence currently in the Dwelling Form that “there must be evidence of physical changes to the property.” The addition of the words “actual physical” to describe loss or damage to the insured property obviates the need for that sentence and makes it clearer that FEMA may only pay for physical loss or damage directly caused by a flood. Lastly, FEMA proposes to define “Dwelling” as a building in use as a one-to-four family residence, and specify that it is not a mobile home, travel trailer, or condominium unit. FEMA proposes to specify that mobile homes, travel trailers, or condominium units are not “dwellings” under this Form because FEMA intends that this Form only cover homeowners of one-to-four family site-built residential buildings. At this time, the Dwelling Form would continue to serve as the Standard Flood Insurance Policy Form covering mobile homes, travel trailers, and condominium units, as well as landlords and tenants.

FEMA proposes to add definitions for “Administrator,” “Claim,” “Flood Damage Resistant Materials,” “Insured(s),” “Machinery and Equipment,” “Proof of Loss,” and “Replacement Cost Value.” FEMA proposes to specify that “Administrator” refers to the FEMA Administrator or designee for clarity. FEMA proposes to define “Claim” as the homeowner policyholder’s assertion that (s)he is entitled to payment for a covered loss under the terms and

conditions of the policy and specify that there is only one claim per flood event. This definition would complement the proposed definition for “Proof of Loss.” FEMA proposes to define “Flood Damage Resistant Materials” as building materials identified by the Administrator as resistant to flood damage to encourage homeowner policyholders to rebuild smarter. Use of materials that are resistant to flood damage reduces the likelihood of replacement in a future flood, and the ability to clean and repair items instead of replacing them would likely result in net savings to the NFIP and its policyholders. The definition of “Insured(s)” would include the homeowner policyholder and (1) any additional persons identified on the declarations page; (2) any mortgagee or loss payee named in the application for insurance, as well as any other mortgagee or loss payee determined to exist at the time of loss; and (3) the homeowner policyholder’s spouse, if a resident of the same household. This definition is substantively the same as the definition of “you” from the Dwelling Form in II.A, but includes the homeowner policyholder’s spouse here, to simplify and consolidate in one place the concept of who has an interest under the policy. FEMA proposes to specify that “Machinery and Equipment,” when contained within a building at the described location, would include functional electrical, plumbing, heating, cooling, and safety elements necessary for the operation of a building, and elevators. Outside of a building, “Machinery and Equipment” would include a heating and air conditioning system’s condenser unit and heat pump, solar panels, and permanently installed whole house standby generators when these units are connected to and are servicing a building at the described location. FEMA proposes this definition to avoid long lists of items in the coverage section. The coverage limitations in the Dwelling Form (at III.A.8) appear in a list of 17 items. This new definition would condense these 17 entries into a single definition. While the new definition would still call out some items specifically, it is FEMA’s position that this more condensed, succinct approach would be less cumbersome to homeowner policyholders and give the Agency increased flexibility in its implementation of the NFIP.⁴⁵ FEMA

⁴⁵ The NFIP Claims Manual currently explains each of the 17 items listed in section III.A.8.a of the Dwelling Form, and the explanations of these items can also include several related items themselves. See National Flood Insurance Program Claims Manual (May 1, 2020), found at <https://>

also anticipates applying this definition during loss settlements to encourage homeowners to move these relatively costly items from their basements/lower enclosures to a less risky area of the property, increasing savings to the NFIP and its policyholders. FEMA would define “Proof of Loss” as a signed and sworn statement by the homeowner policyholder containing documentary evidence in support of one’s loss and the amount one is claiming. FEMA proposes to define this term to mitigate confusion over what a proof of loss is,⁴⁶ further differentiate proof of loss from a claim, and to facilitate implementation of proposed V.E., “Disaster Conditions.” Lastly, “Replacement Cost Value” would mean the necessary cost, without deduction of depreciation, to repair or replace an item of property at the time of loss with an item of like kind and quality. FEMA proposes to add this definition because the new Homeowner Flood Form would offer homeowner policyholders replacement cost value as the default, rather than actual cash value as the Dwelling Form does, so defining the term would assist FEMA in administering the Form.

Finally, FEMA proposes not to carry over into the new Homeowner Flood Form three definitions currently in the Dwelling Form: “Base Flood,” “Deductible,” and “Principal Residence.” Because “base flood” would not have any impact on the terms and conditions of insurability in the new Form, defining it would be

unnecessary. Because “deductible” is a commonly understood term in the insurance industry, it is FEMA’s position that including a definition for it would be unnecessary. In addition, because the Homeowner Flood Form would not vary coverage between principal and secondary, etc., residences, defining the term “principal residence” would likewise be unnecessary.

4. Section III: What We Cover

FEMA proposes to incorporate language currently in the Dwelling Form with section III to improve the customer experience by presenting the material in a more organized manner. The Dwelling Form addresses property covered (article III), property not covered (article IV), and exclusions (article V) in different sections. In proposed section III, FEMA addresses in a single section what the policy covers, where coverage is limited, any conditional coverage, and then property that is not covered.⁴⁷ The proposed changes to Coverages B and C also generally align with coverage specifically for homeowners, the focus of this proposed form. These changes also remove lists and “hidden” coverage and simplify policy language to enhance understanding and functionality of the policy. Relying on the definitional concepts instead of specific lists gives FEMA the opportunity to clarify coverage and improve readability of the form while also providing increased flexibility to implement the policy. FEMA proposes to rephrase coverage that is currently phrased in the negative in the Dwelling Form to ensure a better understanding of coverage. The proposed revisions would also remove all references to flood zones in special flood hazard areas, and instead provide universal default coverage that applies to all buildings regardless of flood zone. These revisions reduce the complexity of the policy, as homeowner policyholders may not immediately recall what zone they are in. These revisions also help alleviate concerns raised in understanding flood risks through mapping alone and allowing the premium to inform the homeowner policyholder about flood risk.

FEMA proposes to remove specific dollar amounts from the policy, giving the Agency the ability to increase these

limits based on statutory changes. Eliminating these specific dollar amounts also allows FEMA to offer different coverage limit choices to different homeowner policyholders by placing special limit amounts on the declarations page of the policy.

FEMA proposes to allow more consumer choice by allowing homeowner policyholders to choose whether they want basement coverage under Coverage A through the Enhanced Basement Endorsement Option detailed below. FEMA has long presumed that homeowner policyholders would not want to pay for full coverage in a basement because it would be too expensive,⁴⁸ but in doing so inadvertently made it more likely that homeowner policyholders would not realize the limitations on basement coverage until they experienced a loss.⁴⁹ FEMA has offered this restrictive coverage in basements for four decades and the proposed new Homeowner Flood Form would not change that coverage absent a homeowner policyholder purchasing an endorsement. FEMA believes the limited basement coverage creates challenges in the flood insurance sales context for homeowner policyholders who want more coverage than the current Dwelling Form and new Form would allow and in the recovery context for homeowner policyholders who need it to more fully recover from a flood event. Given these challenges, FEMA considered three approaches to basement coverage: (1) the current Dwelling Form approach of retaining the current restricted coverage, with a focus on training agents selling flood insurance to further discuss what constitutes a basement under the

www.fema.gov/sites/default/files/2020-07/fema_nfip_claims-manual_2020.pdf (last accessed Aug. 28, 2023) (“Claims Manual”). For instance, the Claims Manual explains that “nonflammable insulation in a basement” [III.A.8.a(10)] includes the nonflammable insulation in walls and ceilings between joists in the lowest elevated floor and unfinished protective weather barriers affixed to floor joists and unattached protective barriers located in a crawlspace. *Id.* at 41. In addition, “well water tanks and pumps” [III.A.8.a(15)] include pressure switches, pressure valves, and gauges. *Id.* at 43. The removal of these lists would provide FEMA flexibility to the extent that the Agency can continue to clarify in the Claims Manual terms defined in the policy.

⁴⁶ During the aftermath of Superstorm Sandy, policyholders and their representatives attempted to submit “placeholder” proofs of loss where they filled out the coversheet for FEMA’s Proof of Loss Form (FEMA Form 086–0–9) with “TBD” on every line. This was not appropriate or within the terms of the SFIP, creating problems for these policyholders and for FEMA. (In this case, the insurance carriers had to deny these claims because these policyholders failed to meet the requirements of the SFIP. Many of these policyholders pursued litigation, creating the need for FEMA’s NFIP Transformation Task Force established in 2015). See NFIP Bulletin w–14036, found at <https://nfipservices.floodsmart.gov/sites/default/files/w-14036.pdf> (last accessed Aug. 28, 2023) and NFIP Bulletin w–12092a, found at <https://nfipservices.floodsmart.gov/sites/default/files/w-12092a.pdf> (last accessed Aug. 28, 2023).

⁴⁷ FEMA includes “property not covered” in proposed section III, “What We Cover,” rather than proposed section IV, “Exclusions,” to conform with industry standards and address in the same section those items for which the policyholder has the burden of proof. The burden of proving that property is covered falls on the insured, but the burden of proving that property is excluded falls on the insurer.

⁴⁸ Until 1983, FEMA offered coverage in a basement. See e.g., 44 CFR 61 App. A(1) Art. IV (1982). At that time, FEMA determined that it was paying out \$5 for every \$1 collected on buildings with damaged basements. See GAO Report on Flood Insurance: Federal Emergency Management Agency’s Basement Coverage Limitations, RCED–86–10FS (Jan. 31, 1986) found at <http://www.gao.gov/assets/rced-86-10fs.pdf> (last accessed Aug. 28, 2023). In the 1990s, FEMA explored but abandoned an effort to offer some level of basement coverage and throughout the entirety of the Dwelling Form (i.e., the last 20 years), there has been no option for basement coverage.

⁴⁹ See Donovan Finn and John Travis Marshall, *Superstorm Sandy at Five: Lessons on Law as Catalyst and Obstacle to Long-Term Recovery Following Catastrophic Disasters*, 48 *Env’t. L. Rep.* 10494 (2018), found at https://commons.library.stonybrook.edu/cgi/viewcontent.cgi?article=1004&context=somas_articles (last accessed Aug. 28, 2023). See also <https://www.wxyz.com/news/what-does-fema-cover-if-youre-denied-help-after-floods-here-are-some-other-options> (last accessed Aug. 28, 2023) and <https://www.wxyz.com/news/why-many-people-are-being-denied-fema-flood-assistance> (last accessed Aug. 28, 2023).

Homeowner Flood Form and the restrictions on coverage at the point of sale to better inform homeowner policyholders and those seeking to purchase new homeowner flood insurance of the coverage restrictions; (2) FEMA's preferred approach of offering an endorsement to the proposed Homeowner Flood Form that would allow homeowner policyholders to purchase, for an additional premium, an enhanced basement endorsement to remove the restrictions in basement coverage ("Enhanced Basement Coverage Endorsement"); and (3) a third approach of offering a basement endorsement to remove coverage limitations, for an additional premium, for (a) homeowners with split-level homes or sunken room(s) (approach 3.1) and (b) homeowner policyholders who need to occupy part of their basement (approach 3.2). Occupancy means the basement is being used by the homeowner as bedrooms, bathrooms, and kitchens/kitchettes. Each of the approaches is further detailed in Appendix A(104): Basement Coverage Endorsement Option below.

FEMA does not expect the availability of optional basement coverage (approaches 2, 3.1, or 3.2 above) to encourage riskier behavior by homeowner policyholders. In general, policyholders do not wish to experience flood losses. The act of choosing an option will require the policyholder to envision their property being damaged by a flood. Accordingly, rather than encouraging risky behavior, FEMA believes the option would help homeowner policyholders to transfer their risk to better recover after a flood while also encouraging homeowner policyholders with basements to consider ways to mitigate their risks in those areas. The current inventory of housing in the United States contains homes built with basements. Recent studies on marginalized communities show that formerly redlined areas face higher flood risks, and several of the cities where this is most prevalent (New York, Boston, Chicago, Camden, Detroit, Newark) have older housing stock that are often built with basements.⁵⁰ By offering options to increase basement coverage, FEMA is proposing to increase the ability of these homeowners to better protect their investment from

flood risks. FEMA understands that the additional coverage will result in additional premiums for policyholders, but the pricing associated with these additional premiums will reflect the reality of the structure above all and will align with the risk. By offering choice, FEMA can better educate homeowner policyholders on their coverage options, discuss the flood risks associated with their property (*i.e.*, through the price signal provided by comparing the premium options), and how they can better protect their property and mitigate those risks. FEMA seeks specific comments on the expansion of basement coverage and the approaches considered in this proposed rule as detailed in the basement coverage endorsement options below.

Proposed section III would not include ICC as Coverage D for all homeowner policyholders as the Dwelling Form does (in section III.D), but instead would make it an endorsement required to be purchased only by those homeowner policyholders who may be eligible for it. Proposed section III would also remove buildings under construction from default coverage (as is the case under the Dwelling Form at section III.A.5), as a Builder's Risk Endorsement naming the builder as an additional insured party (with specific business rules associated with renewals) would provide homeowner policyholders the option to address such coverage. Finally, FEMA proposes to clarify that the policy would not cover certain losses to items stored in a digital format or other intangible format due to the complexity of demonstrating proof of loss.⁵¹ Throughout the section, FEMA proposes minor edits to the Form for clarity. FEMA anticipates the proposed changes to section III would generally make the policy easier for agents to sell while also being more understandable and desirable for homeowner policyholders as the changes more closely align with other insurance policies with which homeowners are familiar and the changes generally provide homeowners with more flexibility by offering more coverage options.

a. Coverage A—Dwelling

FEMA proposes to label Coverage A as "Dwelling" (rather than retain the Dwelling Form's title of "Building Property") to differentiate coverage for the primary building—the dwelling—as opposed to other buildings that may be

covered. In proposed sections III.A.1.a, III.A.2.b, III.A.2.c, III.A.3.c(1), and III.A.4.f, FEMA proposes to update the language to clarify the coverage detailed in this section of the policy relates specifically to the dwelling and to distinguish between the dwelling and other buildings that may be covered under Coverage B. Proposed section III.A.2, "Limited Coverage for Basements and Enclosures," would remove the differentiation of coverage based on flood zone type or pre- or post-FIRM status found in the Dwelling Form at section III.A.8. This proposed section would clarify the limited coverage provided for basements regardless of where the property is located. As explained above, FEMA is proposing to remove differences in coverage based on flood zone type or pre- or post-FIRM status and provide universal default coverage that applies to all structures regardless of flood zone.⁵² Maps generally create challenges for the application of policy coverage. In a flood event, the flood does not simply stop at the map boundary and a homeowner policyholder with property that is mapped in a higher risk zone could be paying more for less coverage than their neighbors across the street, when both are equally impacted by the flood event. By eliminating these distinctions in the policy, FEMA proposes to simplify the explanation of policy coverage for homeowner policyholders so that they have a full understanding of the risks associated with their property and can protect

⁵² The Dwelling Form provides different types of coverage based on FIRM status and zone: basements receive limited coverage regardless of zone; certain post-FIRM elevated buildings receive limited coverage below the lowest elevated floor; and the remainder do not experience coverage limitations. The coverage limitations for post-FIRM elevated buildings are a passive enforcement mechanism for floodplain management rules concerning use of these spaces (*i.e.*, 44 CFR 60.3(c)(5), allowing parking of vehicles, building access, and storage). In practice, this often means policyholders do not learn about the coverage restrictions until they experience a loss. In the proposed Homeowner Flood Form, the policy would not provide different types of coverage based on FIRM status and zone. Basements continue to receive limited coverage regardless of zone. A building with an enclosure—meaning it is used in accordance with the floodplain management regulations—will continue to receive limited coverage. However, if a policyholder does not indicate that they have a basement or an enclosure at the time of application, they will receive full coverage, but will also pay additional premium based on the height of the first floor. The higher premium should also act as a more timely signal to the policyholder, who may then choose to not use the space for residential purposes. In other words, the insurance policy will no longer passively enforce floodplain management rules at the time of loss, but will complement those rules through risk signaling, and floodplain management officials may still take appropriate action on unacceptable uses of enclosures.

⁵⁰ See <https://www.redfin.com/news/redlining-flood-risk/> (last accessed Aug. 28, 2023) and <https://www.njspotlightnews.org/2021/04/redlining-atlantic-city-nj-overlooked-underfunded-minority-neighborhoods-back-bay-racist-maps-superstorm-sandy/> (last accessed Aug. 28, 2023). Note that in these areas, it is common to have a basement because of the necessity of building below the frost line, so that pipes do not burst.

⁵¹ Digital storage was not a substantial concern when the SFIP was drafted in 1999. However, modern technology (allowing for cryptocurrency, etc.), renders it sufficiently important to include here.

themselves against flood peril by choosing their coverage accordingly.

The proposed changes in section III.A.2.a eliminate the list of covered items from current section III.A.8.a as these items are defined in proposed section II. Elimination of the list is intended to make the policy more readable. Additionally, FEMA proposes changes in section III.A.2.d to simplify the understanding of coverage for unfinished drywall in a basement or enclosure. The Dwelling Form details drywall coverage for walls and ceilings in a basement and the cost to nail it, unfinished and unfloated and not taped, to the framing (section III.A.8.a(3)). FEMA proposes to simplify this by covering any unfinished drywall in a basement and removing the restriction that the drywall must be unfloated and not taped. FEMA also proposes to continue coverage for nonflammable insulation in basements and enclosures. (See Dwelling Form section III.A.8.a(10)).

FEMA proposes to add section III.A.3, “Dwelling Limitations,” to summarize the limitations throughout the policy and list them in one location. Proposed section III.A.3.a, “Limitations on mold and mildew,” would revise Dwelling Form section V.D.4 to restate coverage in positive rather than negative terms, simplifying the explanation that the policy covers damage to the dwelling due to mold and mildew caused by a flood only when it is outside of the homeowner policyholder’s control, *i.e.*, when it is not in the homeowner policyholder’s control to inspect and maintain the property after a flood recedes. FEMA is proposing this change to help resolve current challenges faced with claims in this area, as the Agency has experienced that implementation of this coverage is more challenging than it should be. FEMA historically issued several bulletins to clarify this coverage and its limitations⁵³ and believes making these proposed changes would reduce complexity and simplify the process for homeowner policyholders, insurance adjusters, and companies. FEMA proposes similar updates in proposed sections III.A.3.b, “Limitations on power, heating, or cooling failure,”

III.A.3.c, “Limitations on flood in the area,” and III.A.3.d, “Limitations on pollutants,” for simplicity and readability, and to positively affirm coverage of specific items rather than stating coverage in the negative as the Dwelling Form does in sections V.D.7, V.D.5–6, and V.F.II.B.22 respectively. The policy would continue to cover damage to any covered building electrical system, such as the building’s main service or home security system, or to the HVAC system, when a flood physically damages equipment installed at the described location (proposed section III.A.3.b) as well as pollutant testing and monitoring after a flood when required by law or ordinance (proposed section III.A.3.d). FEMA also proposes to continue coverage for losses when there is a flood in the area and the flood causes a back-up of water or waterborne material through sewers or drains, discharge or overflow of a sump pump or related equipment, or seepage/leakage on or through the dwelling (proposed section III.A.3.c(1)) as well as losses by or from water pressure or weight (hydrostatic pressure) (proposed section III.A.3.c(2)). FEMA would also continue to cover losses to the dwelling by or from the pressure or weight of water on or below the land’s surface in proposed section III.A.3.c(2).

Proposed section III.A.4 addresses the items not covered under the policy, moving several provisions from article IV of the Dwelling Form (Property Not Covered) to keep all “coverage” elements together. FEMA proposes not to retain references to the Coastal Barrier Resources Act and the Coastal Barrier Improvement Act⁵⁴ in this section because the language in proposed section I concerning conflicts with Federal law renders it unnecessary. FEMA is incorporating into proposed section III.A.4.a information from the Dwelling Form at sections V.A.2, V.A.3, and V.A.5 to confirm that the policy does not cover loss of use at the described location, including any living expenses incurred while the dwelling is inaccessible or is uninhabitable for any reason. FEMA proposes incorporating this into one section for simplicity and readability. In addition, FEMA proposes including it under this section rather than Section IV, “Exclusions,” because the new Form generally restricts “exclusions” to specific causes, and this language does not speak to causation. In sections III.A.4.b and III.A.4.c, FEMA proposes separating land and land values from lawns, trees, shrubs, plants, growing crops, and landscaping to clarify that land and land values are

distinct from items that are on the land. Proposed section III.A.4.d restates the current requirement in section IV.3 of the Dwelling Form that no open structures including but not limited to those in, on, or over water are covered, regardless of boat usage. In the proposed form, FEMA retains in section III.A.4.e the substance of the language currently in the Dwelling Form at section IV.2 except to remove the reference to “personal property” because Coverage A of this Form treats dwellings, not personal property. In section III.A.4.f, FEMA proposes to clarify that in addition to underground structures and equipment like wells and septic tanks/systems, which are currently explicitly listed as not covered in section IV.8 of the Dwelling Form, sewer, plumbing supply, waste lines, gas supply lines, electrical and HVAC system components (not addressed in the proposed definition of “machinery and equipment”) that are not located in the dwelling would also continue to not be covered. In section III.A.4.g, FEMA proposes not to retain the phrase “or the building in which the insured unit is located” (found in the Dwelling Form at IV.9) for clarity of coverage as the new Form would not be available to condominium unit owners. FEMA is proposing additional minor changes in section III.A.4.h for clarity regarding containers and related equipment. Proposed sections III.A.4.i detailing fences, retaining walls, seawalls, bulkheads, wharves, piers, bridges, and docks and III.A.4.j detailing hot tubs and spas as well as swimming pools would be unchanged from Dwelling Form sections IV.12 and IV.14, respectively.

b. Coverage B—Other Buildings

Coverage B would insure buildings other than the residence located at the described location.⁵⁵ This coverage would contain fewer limitations than in the Dwelling Form, but with the same 10 percent limit (*see* Dwelling Form section III.A.3). FEMA is proposing to require the homeowner policyholder to specify the specific sublimits of this coverage applicable to each of the

⁵³ See W-13009, found at <http://nfipservices.floodsmart.gov/sites/default/files/w-13009.pdf>, (last accessed Aug. 28, 2023); W-16061, found at <http://nfipservices.floodsmart.gov/sites/default/files/w-16061.pdf> (last accessed Aug. 28, 2023); W-20017, found at <http://nfipservices.floodsmart.gov/sites/default/files/w-20017.pdf> (last accessed Aug. 28, 2023); W-11062, found at <http://nfipservices.floodsmart.gov/sites/default/files/w-11062.pdf> (last accessed Aug. 28, 2023); and W-04020, found at <http://nfipservices.floodsmart.gov/sites/default/files/w-04020.pdf> (last accessed Aug. 28, 2023).

⁵⁴ 16 U.S.C. 3501 *et seq.*

⁵⁵ These proposed changes would restore coverage for other buildings to the NFIP’s 1970’s approach. See 24 CFR 1911.4(f)(5) (1970): “The insured may apply up to, but not in excess of, 10 percent of the face amount of the policy to appurtenant structures and outbuildings (such as carports, garages, and guest houses) if they do not constitute a separate residence. If they do constitute a separate residence, or a residential structure still under construction, they must be insured under a separate policy.” This approach insures what the homeowner policyholder has and that the modern consumer expects, an experience customized and tailored to themselves.

buildings on the declarations page to make sure that both the homeowner policyholder and FEMA share an understanding of what is on the property, to spur the conversation between the homeowner policyholder and the insurance agent that higher coverage limits are available by separately insuring these properties, and to capture data points for repetitive loss purposes. The changes proposed to Coverage B would restore non-dwelling buildings to a functional level but would not fully restore these buildings. A homeowner policyholder seeking more robust coverage should purchase a separate policy for these other buildings. Coverage B is not an additional coverage, as it would reduce the liability limit for the main building.

Proposed section III.B.1 would clarify that FEMA would apply the terms of Coverage A to other buildings at the described location except as modified in proposed section III.B.2. As noted above, proposed section III.B.1.a would require the homeowner policyholder to schedule the buildings on the declarations page to confirm their location on the property. In doing so, FEMA anticipates homeowner policyholders would have discussions with agents regarding higher coverage limits if these buildings are separately insured. By capturing the information here, FEMA can also gather data on buildings that are repeatedly damaged during flooding. Proposed section III.B.1.b would replace section III.A.3 of the Dwelling Form and allow other buildings—not simply a detached garage—to receive coverage with fewer limitations than in the Dwelling Form, but with the same 10 percent limit.

FEMA proposes to add section III.B.2 to highlight the limitations of coverage for other buildings. FEMA is proposing to use Coverage A as a “base” layer of coverage specifically for the dwelling. Certain items previously covered under Coverage A related to other buildings are instead covered by this proposed section. Proposed section III.B.2.a would remind homeowner policyholders that FEMA would not cover anything already excluded under Coverage A. Proposed section III.B.2.b would state that FEMA would not cover basements or enclosures for any building that is not the dwelling. FEMA is proposing this addition as a public policy measure to ensure that the riskiest parts of a building that is not the property owner’s residence are not afforded coverage. For example, homeowner policyholders may have a building near the beach on a coastal property containing a bathroom and storage space, with an outdoor shower

in an enclosure for convenience. The proposed policy would allow for coverage of the building at the homeowner policyholder’s request, but would not cover the enclosure given the enhanced risks associated with the enclosure. If a homeowner policyholder wants to invest in these enclosures, a separate NFIP flood insurance policy could be purchased to cover the other building with the enclosure (*i.e.*, under Coverage A), with restricted coverage applied to the enclosure. Proposed section III.B.2.c would provide that FEMA would not cover other buildings held or used for commercial purposes. The purpose of Coverage B is to extend coverage to other buildings that may have a residential use, such as a living space built above a detached garage; buildings held or used for commercial purposes are more appropriately suited for a commercial policy. Proposed section III.B.2.d would provide that coverage can only extend to property the homeowner policyholder owns. This addition is consistent with the broader principle of “insurable interest,” which requires that the insured have a right or relationship to the item insured such that the insured can suffer a financial loss from damage, loss, or destruction to it. By affirming this requirement, FEMA seeks to reduce the risk of moral hazard, whereby a homeowner policyholder might have a financial incentive to allow or even cause a loss.

c. Coverage C—Personal Property

FEMA proposes to move personal property coverage to proposed section III.C and to further align it with common industry practices. In contrast to section III.B.1 of the Dwelling Form that is conditioned on whether or not the homeowner policyholder has purchased contents coverage, FEMA proposes to change coverage in section III.C.1 to insure all property inside a building at the described location with coverage up to the limits listed on the declarations page. (Separate coverage for personal property not at the described location is detailed in proposed section III.C.2). Section III.C.1.a would remain unchanged from section III.B.1.a of the Dwelling Form. Proposed section III.C.1.b would provide that FEMA would insure property owned by non-paying guests or laborers. By specifying that the guests be non-paying, FEMA seeks to specifically exclude the possibility of short-term rentals, such as vacation rentals, to clarify the rental agreement would govern any such arrangement and ensure there is no contractual overlay, and also to avoid the scenario where a renter seeks payment pursuant to this policy. By

changing “servants” to “laborers,” FEMA seeks to modernize the language and include more individuals that may have personal property in the described location.

In section III.C.2, FEMA is proposing to provide some coverage away from the described location to ensure that the homeowner policyholder gets an additional benefit of flood coverage to protect their personal property. Homeowner policyholders may experience flooding while on travel, may experience a flood loss if they have personal property at a family member’s house, or if they keep items in a storage unit. Under the Dwelling Form at section III.C.2.b, a homeowner policyholder may already claim this type of coverage at another location if they moved the property because of a reasonable threat of flood. Expanding coverage would eliminate the cumbersome adjudication analysis of whether the homeowner policyholder moved the property to safety in advance of a flood. With a storage unit, a homeowner policyholder could rent a storage locker and, following a flood event, claim that he or she relocated certain property from the dwelling to the storage unit for safety. Under the Dwelling Form, if a flood occurs at the storage unit, absent a dated photo showing the property located in the storage unit, in the same position, the insurer would be unable to determine when the property was placed in the storage unit. The proposed expansion avoids this complex adjudication by providing the homeowner policyholder with coverage in that situation. Moreover, expanding coverage to contents that are not at the described location aligns with industry standards for homeowners personal property coverage.

FEMA notes that although homeowners coverage can extend to personal property anywhere in the world, the NFIA only authorizes flood insurance in the United States.⁵⁶ Thus, FEMA proposes limited coverage for personal property anywhere in the United States. Under proposed section III.C.2.a, FEMA would pay no more than 10 percent of the Coverage C limits for personal property located anywhere in the United States if the property is in a building at a location other than the described location, or in a storage facility building. FEMA proposes these changes to reaffirm the requirement that the personal property be located inside a “building” (defined as a fully enclosed structure) for coverage and to align with other common insurance products.

⁵⁶ 42 U.S.C. 4011(a).

Under proposed section III.C.2.b, the 10 percent coverage limitation would not apply to personal property moved to a building reasonably safe from flood, and not in a basement or enclosure, due to flooding near the described location. This provision would not retain the language in section III.C.2.b(3) of the Dwelling Form requiring moving personal property outside of a special flood hazard area, but would instead just require a reasonable assurance of safety to expand coverage beyond the 10 percent limitation. It is difficult for homeowner policyholders to ascertain where special flood hazard areas are located, and an attic in a special flood hazard area may reasonably be more secure than a ground floor⁵⁷ just outside of that area. In section III.C.2.b(1), FEMA proposes language to clarify that it would cover personal property where a homeowner policyholder moves it from his or her home to another location for protection, but the home ultimately does not flood. Section III.C.2.b(2) would affirm coverage when an evacuation order is issued. Finally, in section III.C.2.b(3), FEMA proposes to extend coverage beyond the 10 percent limitation where the personal property was moved due to repairs, renovations, reconstruction, or other conditions rendering the described location uninhabitable or unsuitable for property storage.

In proposed section III.C.3, “Personal Property Limitations,” subsection 3.a would provide that in a basement or enclosure, the policy would only cover appliances installed in their functioning locations and, if necessary for operation, connected to a power source. FEMA proposes not to retain the references to flood zones and pre- or post-FIRM status found in the current Dwelling Form (in section III.B.5) to conform with other proposed changes to the policy. FEMA anticipates that homeowner policyholders would better understand the scope of the coverage available without the additional complicating language around the property’s flood zone location and the pre- or post-FIRM status of the property. Additionally, rather than listing out specific appliances, FEMA proposes to categorize the items listed in section III.B.4 of the Dwelling Form as “appliances” for simplicity. Proposed section III.C.3.b would further clarify the Dwelling Form’s requirement at section III.B.3 that personal property in any portion of a building that is not fully enclosed must be secured to prevent flotation out of the building.

Like section III.B.8 of the Dwelling Form, proposed section III.C.4 would provide special limits for specific kinds of personal property. Rather than retaining the dollar limit in this section, FEMA proposes instead to move it to the declarations page for readability and ease of understanding. While proposed sections III.C.4.a, III.C.4.b, III.C.4.c, III.C.4.d and III.C.4.f mirror existing provisions in the Dwelling Form for special limits to personal property coverage, FEMA proposes to add a new provision (section III.C.4.e) to specifically clarify coverage limits for portable electronic devices. A homeowner policyholder should be able to transport such personal property away from a flood and such property may also have separate insurance available. For instance, cell phones come with an offer of cell phone insurance; laptops and tablets often come with offers of insurance as well. The distinction between whether something is designed as portable or not should serve as the bright line rule. For example, a laptop computer is portable while a desktop computer is not, and a Sony PlayStation and a Microsoft Xbox are not designed as portable whereas a Nintendo Switch is. Proposed section III.C.4.f would also clarify that personal property primarily used “for any commercial purposes,” rather than the current “in any business” requirement in section III.B.6.e of the Dwelling Form, falls within these special limits. FEMA proposes to specify that coverage is limited for “commercial purposes” rather than “any business” to continue providing coverage for hobbyists who may occasionally sell what they create, but who do not operate as a business or have a Federal Employment Identification Number for commercial tax purposes. Finally, FEMA proposes to add section III.C.4.g to provide coverage for up to 10 percent of the special limit on the declarations page for valued paper, metals, or other similarly valued objects such as accounts, bills, coins, currency, deeds, evidences of debt, medals, money, scrip, stored value cards, postage stamps, securities, bullion, or manuscripts. FEMA proposes this additional coverage because coverage of these items is the industry standard. Proposed section III.C.5 would retain the statement currently in the Dwelling Form at section III.B.9 that FEMA would only pay for the functional value of antiques.

In proposed section III.C.6, FEMA seeks to consolidate all exclusions specific to personal property into one section to enhance readability and ensure that homeowner policyholders

and insurance agents make appropriate decisions regarding how they insure the property. Proposed section III.C.6.a would make it clear that FEMA would not cover anything already excluded under Coverages A and B. FEMA proposes to categorically narrow the coverage for personal property in this respect to clarify that there can be no instance where something excluded from either Coverage A or Coverage B could be eligible for coverage under Coverage C. Proposed sections III.C.6.b and III.C.6.c (excluding coverage for loss of use of personal property at the described location, and personal property not inside a building) remain unchanged from existing language in the Dwelling Form. Consistent with coverage limitations in the current Dwelling Form, proposed section III.C.6.d of the Homeowner Flood Form provides that FEMA would not cover personal property in a basement or enclosure, except as stated in III.C.3 which limits coverage to appliances installed in their functioning locations consistent with the current Dwelling Form. FEMA is proposing to make a change to this section to eliminate references to flood zones or pre- or post-FIRM status of a building, consistent with other changes throughout the policy. Similarly, proposed section III.C.6.e, excluding coverage for personal property in a building constructed or substantially improved after September 30, 1982, that is located in, on, or over water or seaward of mean high tide, would include non-substantive, grammatical revisions to conform to other organizational changes within the policy. Proposed section III.C.6.f would clarify that personal property in any open structure that is in, on, or over water is not covered regardless of its use. FEMA proposes to add section III.C.6.g to exclude losses to items stored in digital or other intangible formats, consistent with broader industry standards and other insurance products. This addition would have the effect of excluding cryptocurrency and other such digital items, given the challenges with proving such losses. For example, a flood could cause a server or desktop computer with valuable information on it to stop working. The policy would not cover these losses given the challenges associated with proof of loss, such as demonstrating the existence of the information at the time of loss, the inability to access or restore the information through other means, the valuation of such information, and other concerns. In proposed section III.C.6.h, FEMA seeks to add items held in

⁵⁷ Property must be placed above ground level. See Dwelling Form section III.C.2.b(3).

violation of state or Federal law to the list of exclusions to clarify that the Agency would not pay to indemnify against inherently illegal activity. FEMA also proposes to add section III.C.6.i to exclude coverage for living things, consistent with current Agency policy, broader industry standards, and other insurance products. In section III.C.6.j, FEMA proposes a minor change to the exclusion from coverage of any self-propelled vehicle or machine to prohibit coverage for those vehicles or machines capable of transporting people or cargo while continuing to allow coverage for vehicles or machines not registered for use on public roads that are used solely to service the described location or to assist people with disabilities when such property is inside a building at the described location. FEMA is proposing this change to clarify that coverage would not extend to vehicles that do not service the property or aid those with a disability, as other insurance is more appropriate for those items.⁵⁸

d. Coverage D—Other Coverages

FEMA proposes organizing section III.D to align with the policy's organizational structure. Section III.D.1, "Debris Removal," clarifies what debris is covered and what is not. Specifically, FEMA proposes in section III.D.1.a to cover labor and expense to remove debris from anywhere that comes onto or into the dwelling or other insured buildings, and debris of insured property anywhere. FEMA proposes the clarification in section III.D.1.a(1) to emphasize that labor is an element of the total covered expense. Additionally, FEMA proposes a slight broadening of coverage from the current Dwelling Form in proposed section III.D.1.a(1)(a) of the Homeowner Flood Form to state that the removal of any debris inside the insured buildings is covered. Proposed section III.D.1.a(2) would clarify that FEMA would pay the value of any debris removal work performed by the homeowner policyholder or a member of one's household using the Federal minimum wage, and that this coverage does not increase the coverage limit on the declarations page. Proposed section III.D.1.b, "Debris Not Covered," would provide that the policy does not cover debris from other locations on the land

surrounding the dwelling or other insured buildings or any non-covered items of property from the dwelling or buildings, even if the removal facilitates covered cleanup or repairs. FEMA proposes this clarifying language to ensure that homeowner policyholders appropriately insure their property and to avoid duplication of benefits to both owners of debris and the homeowner policyholder upon whose land the debris resides.

FEMA proposes to slightly broaden coverage in section III.D.2, "Loss Prevention." Section III.D.2.a would provide that FEMA would pay up to the coverage sublimit specified on the declarations page for the expenses a homeowner policyholder incurs to protect one's insured property from a flood or imminent danger of flood. These expenses would be limited to: (1) reasonable expenses to buy materials to use temporary measures to avoid or reduce the harm from an imminent flood, including sandbags, fill for temporary levees, and pumps; and (2) the value of work, at the Federal minimum wage, that a homeowner policyholder or a member of her household performs to protect the property. Section III.D.2.b would specify that this coverage for materials and labor only applies if damage to the insured property by or from flood is imminent and the threat of flood damage is apparent enough to reasonably anticipate flood damage, and only if one of the following occurs: (1) a general and temporary condition of flooding in the area near the described location occurs, even if the flood does not reach the insured building; or (2) a legally-authorized official issues an evacuation order or other civil order for the community in which the property is located to preserve life and property from flood. FEMA proposes this language for increased clarity and consistency with other sections in the Form. For instance, while the Dwelling Form at section III.C.2.a(1) limits coverage to \$1,000, this proposed section would remove the dollar limit from the Form itself, allowing it to be altered through the declarations page or other guidance. The proposed language would also limit the use of lists (compare with sections III.C.2.a(1)(a)(i)–(iv) of the Dwelling Form) and allow coverage where there may be technological or local variances in what items are used to prevent losses rather than restrict it to the specific items in the policy as is currently the case.

Proposed section III.D.3, "Property Removed to Safety," would provide that FEMA would pay up to the coverage limit on the declarations page, at the

Federal minimum wage, for reasonable expenses and labor a homeowner policyholder or member of her household, incurs for moving insured property to a secure location to protect it from flood or the imminent danger of flood. Consistent with other sections in the Form, this language would simplify coverage by removing mention of special flood hazard areas, as well as the coverage limit, allowing the limit to be altered through the declarations page or other guidance. Proposed section III.D.4 would specify that Coverage D does not increase the limits of Coverages A, B, or C.

5. Section IV: Exclusions

Proposed section IV would replace article V of the Dwelling Form. By continuing to address exclusions separately from coverage, FEMA seeks to clearly delineate between the *types of property* covered and not covered from the *sources of damage* excluded. This is to conform with industry standards, as insurance companies generally combine what is covered and not covered in the coverage section of their policies, and address excluded causation in the exclusions section. As this is a single peril policy, it is FEMA's position that a shorter, simplified exclusions section would reduce confusion on the part of the homeowner policyholder. Proposed section IV is structured to address three main concepts: excluded losses; flood in progress; and pre-existing damage.

a. Excluded Losses

For excluded losses, FEMA proposes to exclude other perils, economic losses (including loss of business or losses associated with upgrading to code per law or ordinance), earth movement, gradual erosion, several non-flood but water-related causes of loss, and damage from defects, rot, or infestation. Many of the exclusions in the proposed policy mirror in substance those in the existing Dwelling Form. In proposed section IV.A.1, FEMA seeks to simplify the language to exclude other perils as this is a single-peril policy. Consistent with other changes in the policy, FEMA proposes to condense the list of economic losses excluded from coverage currently in sections V.A.1–7 of the Dwelling Form into section IV.A.2 for clarity.

The proposed earth movement section at IV.A.3 would clarify what is and what is not considered earth movement. In proposed section IV.A.3.a, FEMA would retain but revise the list of items in the corresponding sections of V.C of the Dwelling Form for clarity; this list describes what earth movement includes, even if caused by flood. While

⁵⁸ For example, a separate automobile insurance policy would be more appropriate for all-terrain vehicles (ATVs) and golf carts because their use is not limited to servicing the location or assisting those with disabilities. By contrast, this policy would cover farm vehicles not licensed for use on a public road. See NFIP Claims Manual (June 2023) at COVERAGE–19, available at https://www.fema.gov/sites/default/files/documents/fema_nfip-claims-manual_062023.pdf (last accessed Aug. 28, 2023).

FEMA would retain earthquake, landslide, subsidence, and sinkholes on the list in proposed sections of IV.A.3, other changes are being proposed for modest clarifications. For instance, proposed section IV.A.3.a(5) would not retain the phrase “movement of land that results from accumulation of water in subsurface land area” from section V.C.5 of the Dwelling Form for clarity. In addition, FEMA proposes to add section IV.A.3.a(6) (“Any other movement such as sinking, rising, shifting, expanding or contracting of the earth”) as a further catch all for any variety of geological phenomena not specifically listed in subsections (1)–(5).

In IV.A.3.b, FEMA proposes to provide further specificity that the earth movement coverage exclusion does not include hydrostatic pressures or hydrodynamic forces, buoyancy, and frictional force from floodwater moving along the surface of the ground. These terms are subsumed in the statutory definition of a “flood.”⁵⁹ These terms appear in the engineering reports included in claims files. The ability to line up an engineering report with the policy language should help provide policyholders with additional clarity regarding what is and is not excluded.

Proposed section IV.A.4 would exclude coverage for gradual erosion caused by the normal water action that wears an area of land away over time and contains minor clarifying edits for readability. FEMA proposes similar clarifying edits in section IV.A.5, “Other excluded causes of damage.” These clarifying edits include combining sections V.D.1 and V.D.2 of the Dwelling Form into proposed section IV.A.5.a because the listed items relate to ice; excluding in section IV.A.5.c damage from exposure to water of any form other than flood (as detailed in sections V.D.4.b(2), V.D.5, and V.D.6 of the Dwelling Form); and excluding in section IV.A.5.e actions taken by homeowner policyholders or any members of their household that deliberately cause direct physical loss by or from flood (see section V.D.9 of the Dwelling Form). Proposed section IV.A.5.b would remain unchanged from section V.D.3 of the Dwelling Form. In section IV.A.5.d, FEMA proposes to add other related conditions to clarify that design, structural, or mechanical defects; deterioration, rot, or corrosion; or damage from insects and rodents would be excluded as these are all pre-existing conditions at the time of claims adjustment. Homeowner policyholders may not be aware of these conditions

prior to experiencing a loss, but these conditions are generally not attributable to a single flood event and thus would not be covered under the policy.

The Dwelling Form currently excludes coverage for losses that occur because of an alteration to the insured property that significantly increases the risk of flooding at section V.D.10. Proposed section IV.A.6 would clarify that this exclusion covers any homeowner policyholder actions, whether an alteration to the insured property or a more general change, that causes the hazard to increase by any means within the homeowner policyholder’s control or with the homeowner policyholder’s knowledge. FEMA is proposing this revision to streamline the policy by stating in one location rather than the two sections found in the current Dwelling Form (sections V.D.10 and VII.F) that FEMA would not pay for a loss where the homeowner policyholder took action or allowed an action to happen that increased their risk of flooding.

b. Flood in Progress

In section IV.B, “Flood in Progress,” FEMA proposes to define what constitutes a flood in progress, and to address concerns where there is a strong moral hazard. This clarity would help ensure that policies are not written for a property while a flood is in progress at the described location. Further, this proposed revision ensures that if a policy is written while a flood is in progress, the exclusion is well-defined to help avoid disputes when the homeowner policyholder attempts to submit a claim. With this proposed revision, FEMA seeks to avoid situations where a homeowner policyholder purchases flood insurance as a means of “buying a claim” while also allowing homeowner policyholders to perceive their risk and take an appropriate action. FEMA proposes to explain in section IV.B.1 that a flood is in progress when (1) there is a near certainty of a flood loss at the described location from a flood control effort such as opening a spillway, breaching a levee, or releasing water from a dam, or (2) there is a flood at the described location. FEMA proposes to explain in section IV.B.2 that if the policy becomes effective in connection with a loan closing, FEMA would not pay for loss caused by a flood in progress at the time of the loan closing. Proposed section IV.B.3 would provide that in all other circumstances, FEMA would not pay for a loss caused by a flood in progress that existed on or before the day the homeowner policyholder submitted the application. While proposed sections

IV.B.2 and IV.B.3 mirror in substance the language in section V.B of the Dwelling Form, the added clarity in proposed section IV.B.1 would help ensure that policies are written and administered consistently.

c. Pre-Existing Damage

FEMA proposes in section IV.C to explicitly exclude coverage for pre-existing damage. This section would specify that pre-existing damage includes flood loss or damage that occurred prior to the date of loss, whether direct physical loss or not, and whether paid or unpaid, and damage attributable to any non-flood peril that occurred prior to the date of loss. Under section VII.H.2.e of the Dwelling Form, when an insurance company suspects that damage existed prior to the flood event, it can request evidence that prior flood damage has been repaired. In some instances, the property may have been sold without disclosure of a prior flood loss.⁶⁰ In other instances, the insurer may know that a homeowner policyholder had a loss from another peril and was paid for the same items. More explicitly excluding coverage for pre-existing damage would make the exclusion clearer to homeowner policyholders and help prevent disputes over unrepaired flood damage or from unrepaired items from other perils that often arise when property changes owners. It would also better align the policy with traditional insurance concepts and FEMA’s longstanding practice of not paying for pre-existing damage. Lastly, it would reinforce proposed VI.A.3.g(5) (requiring proof of repairs for prior losses to ensure coverage of damages occurring from the current loss). Note that FEMA is proposing not to retain in this section language regarding ICC coverage, as that would be detailed in the ICC Endorsement.

6. Section V: Policy Conditions

Proposed section V would combine provisions from articles VII, “General Conditions,” and VIII, “Policy Nullification, Cancellation, and Non-Renewal,” of the Dwelling Form that specifically apply to how FEMA administers the policy. These provisions represent homeowner policyholder-facing underwriting aspects of the policy.

⁵⁹ See NFIA sec. 1370(b)–(c) (42 U.S.C. 4121(b)–(c)).

⁶⁰ State laws govern disclosures of prior losses in property transfers and the SFIP cannot change state disclosure laws that apply to prior losses.

a. Actions and Conditions That Can Void Your Policy

Proposed section V.A would describe the actions and conditions that can void a policy. Section V.A.1, “NFIP Ineligibility,” would provide scenarios where the policy is void from inception and has no legal force due to underlying ineligibilities. Retaining language from section VIII.B.1.a of the Dwelling Form, proposed section V.A.1.a would provide that the policy is void if the described location is in a community that was not participating in the NFIP at the policy’s inception and did not join or reenter the NFIP during the policy term and before loss occurred. Similarly, proposed section V.A.1.b would retain the substance of section VIII.B.1.b of the Dwelling Form and provide that the policy is void where the described location or other property is otherwise not eligible for coverage under the NFIA or its implementing regulations, for reasons of noncompliance with local floodplain ordinances or otherwise. Subsection A.1.c would provide that the policy is void where any other Federal law prevents coverage of property at the described location. FEMA proposes not to retain the language in sections VIII.B.1.c–e and VIII.B.2 of the Dwelling Form; because these provisions do not relate to coverage, they are better suited to guidance.

Section V.A.2, “Concealment or Fraud,” contains much of the same language in the Dwelling Form, with three primary clarifications. Proposed section V.A.2.a provides that the policy is void and cannot be renewed if the insured or agent, at any time before or after a loss, intentionally concealed or misrepresented any material fact or circumstance, engaged in fraudulent conduct relating to the policy, or knowingly made false statements relating to the policy or any other NFIP insurance at any time. FEMA proposes to add the word “intentionally” to clarify that a homeowner policyholder must intend to conceal or misrepresent in order for the policy to be void; a scrivener’s error would not result in avoidance. FEMA proposes to specify that the fraudulent activity must relate to the policy, because any fraudulent activity beyond the scope of the policy is not a cause for avoidance. FEMA also proposes to specify that any false statements must have been made “knowingly” to ensure that the policy is only voided in situations involving malfeasance on the part of the insured or agent. Like section VIII.A.3 of the Dwelling Form, proposed section V.A.2.b would specify that the policy would be void as of the date the acts

described in subsection A.2.a were committed. Proposed section V.A.2 would not retain the language in section VIII.A.4 of the Dwelling Form regarding applicable Federal laws, consistent with other changes.

b. Policy Renewal

Proposed section V.B, “Policy Renewal,” would require that FEMA receive the renewal premium within 30 calendar days of the expiration date of the prior policy; it would also state the FEMA would not renew the policy if Federal law prevents coverage of property at the described location. This section is considerably shorter than the corresponding section in the Dwelling Form (at section VII.E) and conforms to modifications elsewhere in the policy. For instance, this section would no longer contain the policy term or right for review, as those would be addressed in proposed sections I.D and I.F, respectively. Additionally, the Dwelling Form explains the consequences when the insurer fails to mail the renewal notice or makes a mistake, such as by mailing the notice to the incorrect address. There is no analogous provision in other property insurance contracts, and FEMA is proposing to eliminate this language given the rarity of these situations. Lastly, section V.B.2 would reference “Federal law” for brevity, as this would include section 1316 and other relevant provisions of the NFIA, relevant provisions of the Coastal Barrier Resources Act,⁶¹ and any future statutory changes.

c. Cancellation of the Policy by You

Proposed section V.C, “Cancellation of the Policy by You,” would provide that the homeowner policyholder may cancel the policy when the homeowner policyholder (1) no longer has an insurable interest in the property, (2) is no longer required to maintain flood insurance pursuant to Federal law or lender requirements, or (3) has a duplicate NFIP policy. It would also provide that if a homeowner policyholder cancels the policy, he or she may be entitled to a full or partial refund of premium for the current policy term. While the NFIP uses over a dozen cancellation reason codes, not all of these are for homeowner policyholder cancellation. FEMA isolated the reasons specific to homeowner policyholder cancellation, found that they fell into the three broad categories outlined just above, and now proposes to highlight those categories in the policy itself. It is FEMA’s position that these changes offer increased clarity

for the homeowner policyholder compared to the language in the Dwelling Form at section VIII.C.

d. Reduction and Reformation of Coverage

Proposed section V.D, “Reduction and Reformation of Coverage,” would explain to homeowner policyholders what occurs when the premium FEMA receives is insufficient for the coverage sought, but in a shorter and easier to read format compared to the Dwelling Form (see section VII.D of the Dwelling Form). Proposed section V.D.1 would provide that where the premium is not enough to purchase the requested amount of coverage, FEMA would issue the policy, but only for the amount of coverage that the premium would purchase for a one-year term. This section would substantively mirror section VII.D.2 of the Dwelling Form but would be more readable. Proposed section V.D.2 would provide that FEMA would increase the reduced amount of coverage to the amount originally requested without regard to whether a loss occurred when FEMA bills for the additional premium, or if necessary to calculate the additional premium, requests information (V.D.2.a), and the homeowner policyholder responds to the request for additional premium within 30 calendar days, or responds to the request for additional information within 60 calendar days (V.D.2.b). Proposed section V.D.2.c would provide that a homeowner policyholder’s failure to timely respond may result in a waiting period for additional coverage if a loss has not occurred within the policy term, or the settlement of a claim under the reduced limit if a loss has occurred within the term. Functionally, there is no difference between determining that there is an insufficient premium before loss or after loss, so treating these concepts together should simplify the policy. Altogether, section V.D.2 would condense sections VII.D.3.a and b of the Dwelling Form into one more concise and readable section and would conform to other changes in the policy (e.g., specifying “calendar” days).

e. Disaster Conditions

FEMA proposes to add section V.E, “Disaster Conditions,” which would be a new section. This section would incorporate existing practices when a flood reaches such a magnitude that FEMA anticipates logistical challenges with adjusting losses and reasonably expects increased competition for limited contractor services in the disaster-affected area, or where homeowner policyholders may not be in a position to receive and respond to

⁶¹ 16 U.S.C. 3501 *et seq.*

mail regarding the renewal of their flood insurance policy. In these scenarios, FEMA has, as a courtesy to homeowner policyholders, extended both the proof of loss deadline beyond the 60 days stated in the policy and the grace period to renew coverage without experiencing a lapse. (For example, FEMA extended the proof of loss and grace period deadlines for Hurricanes Harvey, Irma, and Maria in 2017 and Hurricane Michael in 2018). FEMA has issued these extensions via bulletin to the WYO companies, and via public communications to policyholders who would otherwise lack awareness of these extensions and the flexibility they bring. In the absence of policy language governing extensions, however, stakeholders have often requested longer proof of loss timeframes for smaller flooding events, or have asked FEMA to continue to extend deadlines indefinitely for even longer periods following major flooding. To provide clarity and uniformity, therefore, proposed section V.E.1 would provide that in the event of a flood associated with a major disaster or emergency declared by the President under the Stafford Act,⁶² the FEMA Administrator may, after written notice, extend the timeframes for proof of loss up to 365 calendar days from the date of loss, and the timeframes for policy renewal up to 60 calendar days from the policy's expiration date. Placing an explicit, objective trigger in the policy would allow it to indicate when these "special" provisions might apply to any homeowner policyholder. In addition, establishing clear upper limits for proof of loss and policy renewal extensions would enhance clarity and reduce requests for indefinite extensions. Furthermore, by making the provision discretionary and not mandatory, FEMA seeks to continue to offer flexibility. These flexibilities would allow FEMA to extend one or both deadlines when necessary and choose shorter timeframes when appropriate.

Proposed section V.E.2 would provide new flexibilities that in the event of a flood associated with a declared major disaster or emergency, the Administrator may, after written notice, conditionally waive the requirement in proposed sections VI.A.3 and VI.B.2 that an insured must sign or swear to a proof of loss or an adjuster's report. This would authorize the insurer to accept and make payment on the adjuster's report. This payment based on the adjuster's report is "undisputed" which allows the insurer to accept that a

covered loss took place without any further action needed from the policyholder. The flexibility provided here would not stop the homeowner policyholder from seeking additional payment through a proof of loss but would help ensure payment as quickly and safely as possible to the homeowner policyholder.

Proposed section V.E.3 would provide new flexibilities that in the event of a flood associated with a declared major disaster or emergency, the Administrator may, after written notice, establish special procedures for advance payments to insured(s) in accordance with proposed section VI.C.3. (As discussed below at section III.A.7.c of this preamble, this section would allow the insurer to make an advance payment for up to 5 percent of the Coverage A limit to a homeowner policyholder without putting the mortgage company on the check). Under the current Dwelling Form, a homeowner policyholder with Coverage A receives a check issued to the homeowner policyholder and any secured interest (*i.e.*, a mortgage or second mortgage, etc.) and the homeowner policyholder may have to negotiate with the secured interest holder before the check can be cashed to provide payment to a contractor for repairs. Some secured interest holders may be reluctant to endorse the check until they know the repairs have been made to protect their financial position. Doing so, however, can negatively impact the homeowner policyholder who is then required to secure the contractor with out-of-pocket funds. By allowing for advance payment, homeowner policyholders without contents coverage should be able to secure a contractor without necessarily utilizing out-of-pocket funds while not affecting the mortgage company's ability to file its own claim. FEMA understands the proposed 5 percent advance payment would benefit the homeowner policyholder so they can rebuild more quickly. FEMA believes the proposed 5 percent advance payment is an insurance industry standard and seeks comment from the public specifically on whether or not the 5 percent advance payment is standard.

Finally, proposed section V.E.4 would provide new flexibilities that in the event of a flood associated with a declared major disaster or emergency, the Administrator may, after written notice, settle losses in accordance with any formula established under Federal law that allocates covered damages amongst multiple perils, including flood. This would add flexibility if a declared disaster allows the use of the

COASTAL Formula for settling losses that allocate damages amongst multiple perils.⁶³

7. Section VI: Procedures and Duties When a Loss Occurs

The Dwelling Form includes various provisions under article VII, "General Conditions." FEMA proposes to combine all provisions relating to how losses are proven and paid (traditionally claims issues) in proposed section VI, "Procedures and Duties When A Loss Occurs." The organization of this section would mirror the sequence that a homeowner policyholder would use the policy following a loss, first addressing what the homeowner policyholder must do, then what insurer options exist, how the claims adjustment process works, what deductible applies, how loss is settled, and how the appraisal process works when required. It is FEMA's position that organizing this section according to the logical progression of the process would aid homeowner policyholders who experience a loss, helping ensure that they understand the policy's terms and conditions as well as the process.

a. Your Duties After a Loss

In organizing section VI.A, "Your Duties After a Loss," FEMA focused extensively on proof of loss. The proof of loss is an industry standard concept and is the foundation of payment of any claim. In the NFIP, the proof of loss is a crucial customer service tool, ensuring that the flood adjuster takes the time to explain coverage and helps the homeowner policyholder understand how to address situations where the insurance estimate and contractor estimate (or quote) deviate. Absent the proof of loss, an adjuster can submit a report to an examiner and the insurer can make payment without the homeowner policyholder ever understanding what they did or did not get paid for as part of the claim. In proposed section VI.A, FEMA seeks to simplify the language around proof of loss where possible and address what is

⁶³ Section 1337(b)(1) of the National Flood Insurance Act of 1968 (NFIA) (42 U.S.C. 4057(b)(1)), as added by section 100253 of the Consumer Option for an Alternative System to Allocate Losses Act of 2012 (also referred to as the COASTAL Act of 2012) (Pub. L. 112–141, div. F, title II), requires FEMA to "establish by rule a standard formula to determine and allocate wind losses and flood losses for claims involving indeterminate losses." This formula is referred to as the "COASTAL Formula" pursuant to NFIA sec. 1337(a)(2) (42 U.S.C. 4057(a)(2)). Once FEMA adopts a COASTAL Formula in regulation, FEMA may use the formula to oversee the handling of claims involving indeterminate losses and, for floods resulting in a Federal disaster declaration, make claim payments based on the formula. See NFIA sec. 1337(c) (42 U.S.C. 4057(c)).

⁶² Public Law 93–288, as amended; 42 U.S.C. 5121 *et seq.*

expected of the homeowner policyholder separately from what options the insurer has (proposed section VI.B). These changes align with other property insurance forms in the marketplace⁶⁴ and make clear that certain duties exist for both parties to the insurance transaction.

Proposed section VI.A would provide that if the described location experiences a direct physical loss by or from flood, the homeowner policyholder must comply with all of the duties listed in VI.A.1–7. This would ensure that the homeowner policyholder knows they must comply with these duties, and that substantial compliance would not suffice. Proposed section VI.A.1 outlines the first duty, which is to give prompt notice to the insurer. This would be a change from the Dwelling Form (*see* section VII.G) and allow for a reasonable form of prompt notice to the insurer when a loss occurs rather than specifically requiring a written notice. The critical element of the notice requirement is timing, not the form the notice takes. This proposed revision provides flexibility to the homeowner policyholder regarding the ways prompt notification can be given and reflects current practice, as some homeowner policyholders provide prompt notice by calling or emailing their insurance agents when a loss occurs. Proposed section VI.A.2 would require that the homeowner policyholder separate the damaged and undamaged property as soon as possible so that it can be examined and take all reasonable measures to protect covered property from any further loss. This section would not retain the phrase “best possible order” found in section VII.G.2 of the Dwelling Form because this language is unnecessary, as FEMA does not deny claims because there was a better possible order available. In addition, the requirement that homeowner policyholders take reasonable measures to protect undamaged property would help avoid scenarios where avoidable damage or intervening causes of loss occur, which could result in denial of coverage. This additional language reinforces the duty to mitigate loss and reduce the potential for intervening causes of loss which generally result in denial of insurance claims.

Proposed section VI.A.3 makes a significant change from the Dwelling Form (*see* section VII.G.4) regarding timing of submission of the proof of

loss. It would require that within 90 calendar days after the loss, the homeowner policyholder must send FEMA a signed and sworn proof of loss containing the date and time of loss, how the loss occurred, details of any other insurance, changes in title or occupancy of the property during the policy term, names of mortgagees or anyone else with a lien, charge, or claim against the property, a description of all damages and detailed repair estimates (if available), and an inventory of the lost, damaged, or destroyed property. The inventory must show the quantity, description, replacement cost value or actual cash value (whichever is applicable), amount of loss, evidence that prior flood damage has been repaired, any written plans for repair of the property that the homeowner policyholder can reasonably make available, and all funds the homeowner policyholder spends recovering from the loss. The homeowner policyholder must also attach copies of all bills, receipts, invoices, written estimates, and related documents.

This proposed section would increase the timeframe to submit a proof of loss from 60 to 90 days, and, consistent with other provisions in the Homeowner Flood Form, specify that these are calendar days. FEMA has historically provided a 60-day window for providing proof of loss. FEMA recognizes that 60 days, the industry standard,⁶⁵ is normally a sufficient timeframe for homeowner policyholders to provide the proof of loss information in a non-disaster scenario. FEMA proposes, however, to surpass the industry standard regarding this timeframe given the nature of the peril involved—flooding—the governmental nature of the NFIP,⁶⁶ and the fact that as mentioned previously, FEMA has often provided homeowner policyholders with extensions of the 60-

day window in catastrophic conditions.⁶⁷ Flooding, often resulting from severe storms, can require extended evacuation periods. After a flood, securing contractors to determine the full scope of damage to a property can be challenging given the increased demand in impacted areas for these services. Increasing the timeframe to provide proof of loss should assist homeowner policyholders by providing additional time to return to the property after an evacuation and secure a contractor. FEMA anticipates that this increased timeframe would also result in fewer homeowner policyholder requests for additional payment that FEMA currently sees with the 60-day window. In a catastrophic event, homeowner policyholders need to coordinate with contractors to obtain price quotes which can take time given the volume of demand after an event. While the insurance policy would provide payment based on an adjuster's estimate, it is just that—an estimate. An occasion may arise where an estimate is insufficient to cover the cost of repairs that are within the policy's coverage that a contractor's quote would capture. Additionally, there may be an occasion where a contractor's quote may include repairs that are not covered under the policy. For example, a garage door is damaged by flood. The adjuster finds coverage and identifies the scope of the

⁶⁷ For example, FEMA extended these deadlines for Hurricane Maria (*see e.g.*, Bulletin W–17057, “Activation of NFIP Catastrophic Event Enhanced Claim Payment Process and Proof of Loss Extension for Hurricane Maria,” (Sept. 28, 2017), found at <https://nfip-services.floodsmart.gov/sites/default/files/w-17057.pdf> (last accessed Aug. 28, 2023)), Hurricane Irma (*see e.g.*, Bulletin W–17040, “Activation of NFIP Catastrophic Event Enhanced Claim Payment Process and Proof of Loss Extension of Hurricane Irma,” (Sept. 17, 2017), found at <https://nfip-services.floodsmart.gov/sites/default/files/w-17040.pdf> (last accessed Aug. 28, 2023)), and the August 2016 floods in Louisiana (*see e.g.*, Bulletin W–16028, “Notice of the Limited Waiver of the Standard Flood Insurance Policy (“SFIP”) to Extend the Time for Sending Proofs of Loss in the States of Louisiana and Mississippi for Claims Related to Severe Winter Storms Commencing on March 7, 2016 through March 19, 2016,” (Apr. 21, 2016), found at <https://nfip-services.floodsmart.gov/sites/default/files/w-16028.pdf> (last accessed Aug. 28, 2023)); Bulletin W–16038, “Notice of the Limited Waiver of the Standard Flood Insurance Policy (“SFIP”) to Extend the Time for Sending Proofs of Loss in the State of Louisiana for Claims Related to Severe Spring Storms Commencing on April 17, 2016 through April 20, 2016,” (Jun. 15, 2016), found at <https://nfip-services.floodsmart.gov/sites/default/files/w-16038.pdf> (last accessed Aug. 28, 2023)); Bulletin W–16067, “Notice of the Limited Waiver of the Standard Flood Insurance Policy (“SFIP”) to Extend the Time for Sending Proofs of Loss in the State of Louisiana for Claims Related to the Mid-Summer Severe Storms Commencing on August 9, 2016 through August 31, 2016,” (Sept. 9, 2016), found at <https://nfip-services.floodsmart.gov/sites/default/files/w-16067.pdf> (last accessed Aug. 28, 2023)), among others.

⁶⁴ The changes align with the Insurance Services Office's “HO–3” form, the template behind most standard homeowners insurance policies. *See supra* note 24.

⁶⁵ *See* Nevada Department of Insurance Allstate Homeowner's Form, page 12, Section 1 Conditions 3.g (stating that signed, sworn proof of loss statements must be submitted within 60 days after the loss), found at http://docs.nv.gov/doi/documents/home_policies/AllStateForms/AP783.pdf (last accessed Aug. 28, 2023).

⁶⁶ As a government program, the NFIP does not have the variety of flexibilities available to the private sector regarding post-loss options. If a policyholder experiences a loss, a private industry insurer can send over their preferred contractors to handle everything for the policyholder after the payment of the deductible. In the NFIP, utilizing treasury funds and other governmental requirements generally require a greater degree of precision and puts an added burden on SFIP policyholders as compared to their general homeowners coverage through private insurance. By providing more time in this proposed revision, FEMA is offering SFIP customers extra time beyond the industry standard to help alleviate this added burden.

covered damage and estimates the value of the covered damage at \$500. The contractor's quote may indicate a \$1,000 price to replace the garage door. The additional \$500 in the contractor's quote may be due to an increase in the price of the unit following the disaster and such cost may be covered. The additional \$500 in the contractor's quote could be for rewiring to conform to local building codes and such a code upgrade would generally not be covered. The proposed additional time would allow homeowner policyholders to obtain contractor services and resolve these questions in advance, improving the efficiency of the process overall.

FEMA proposes to retain in proposed section VI.A.3 the Dwelling Form's existing requirements in section VII.G.4 for documenting the proof of loss with a few minor adjustments. These include proposed VI.A.3.c's requirement that the homeowner policyholder provide details of any other insurance that may cover some or all of the loss, as this would make the insurer aware of the other insurance regardless of the extent of coverage it may provide for the loss. In addition, VI.A.3.f's requirement that the homeowner policyholder provide a description of all damages to the dwelling and other covered buildings with detailed repair estimates would help remind homeowner policyholders of the requirements to prepare their claim for Coverages A and B. While much of the required inventory list remains the same, FEMA highlights a few changes here. First, proposed section VI.A.3.g would require homeowner policyholders to list not only damaged property, but also property that may have been lost or destroyed, as that property may still be eligible for coverage. Second, proposed section VI.A.3.g(3) would add in replacement cost value, as Coverage C would be eligible for replacement cost value loss settlement instead of only actual cash value. Third, proposed section VI.A.3.g(7)'s requirement of information on all funds actually spent recovering from the loss, including copies of all bills, receipts, invoices, written estimates, and related documents, would enhance the insurer's ability to accurately and completely settle the loss.

FEMA proposes minor clarifying edits in proposed sections VI.A.4, VI.A.5, VI.A.6, and VI.A.7. Like section VII.G.5 of the Dwelling Form, proposed section VI.A.4 would continue requiring homeowner policyholders to use their own judgment concerning the amount of loss and justify that amount before signing it. Like section VII.G.6 of the Dwelling Form, proposed section VI.A.5

would clarify that there may be additional parties beyond an adjuster involved in the investigation of a claim. In proposed section VI.A.6, FEMA would add an industry standard provision requiring the homeowner policyholder make the damaged property accessible for inspection, to ensure that the insurer can inspect the damaged property as appropriate for the claims review process. FEMA also proposes conforming changes in section VI.A.7 (section VII.G.7 of the Dwelling Form) to the deadline for submission of proof of loss to 90 calendar days as reflected in proposed section VI.A.3.

b. Our Options After a Loss

In proposed section VI.B, "Our Options After a Loss," FEMA seeks to simplify and further clarify the insurer's options. Section VI.B.1. would provide that after a loss and at the insurer's sole discretion, it may require that the homeowner policyholder provide it access to the damaged property, submit to examination under oath upon request and sign the transcript from such examination, and permit the insurer to examine and make copies of all or any portion of any policies of property insurance against loss and the deed establishing ownership of the insured property, and all bills, invoices, receipts, and other records pertaining to the damaged property (or certified copies if originals are lost). Section VI.B.2 would allow the insurer to accept its adjuster's report of the loss in lieu of a proof of loss and require the homeowner policyholder to sign the report, and it would also allow the insurer to require the homeowner policyholder to swear to the report. This section does not mirror its counterpart in the Dwelling Form (at section VII.H) because the section in the Dwelling Form includes several concepts that the Homeowner Flood Form would cover in other sections (*e.g.*, inventory requirements, which the Form would cover in VI.A.g, discussed above). FEMA proposes to add the requirement in VI.B.1.a that the homeowner policyholder provide the insurer access to the damaged property as this would formally enable the inspection of damaged property to better facilitate the claims review process. FEMA's proposed reorganization and restatement of the requirement to provide transactional and other records related to the damaged property in section VI.B.1.c(2) would increase clarity for homeowner policyholders and ensure they understand that insurers can examine and make copies of these records. The language in proposed VI.B.2 is currently in the

Dwelling Form (at section VII.G.9), but FEMA proposes not to retain the language describing what the adjuster's report includes (information about the loss and damages sustained) because this language is unnecessary. This section would also not retain the option currently in section VII.H.3.a of the Dwelling Form for insurers to make repairs directly, as it is unnecessary. This repair option has been a part of the Dwelling Form for several years, yet FEMA data show that insurers have not invoked this option.

c. Loss Payment

Proposed section VI.C, "Loss Payment," would retain much of the current Dwelling Form's language at VII.J with minor changes. In section VI.C.1, "Adjustment of Claims," paragraph a. would state that the insurer has not authorized the adjuster to approve or disapprove any claim. This language would eliminate the redundancy currently in the Dwelling Form and clarify that the adjuster is not authorized to approve or disapprove any claim. Paragraph VI.C.1.b would retain the language in section VII.J.1 of the Dwelling Form except for the clarification that the 60 and 90-day timeframes are calendar days, consistent with other proposed changes. Proposed section VI.C.2 would similarly retain the language in the Dwelling Form at section VII.J.2, except it would increase the timeframe a homeowner policyholder has to file an amended proof of loss from 60 to 90 calendar days from the date of loss, and would add references to the appeal, appraisal, and litigation sections of the policy to make clear to homeowner policyholders the additional rights available to them.

FEMA proposes to add a section on "Advance Payments" at proposed VI.C.3. Section VI.C.3.a would provide that the insurer may provide the homeowner policyholder with an advance payment prior to the completion of the claim, and the homeowner policyholder may request an advance payment after providing the notice of loss. It would further provide that these payments may include amounts totaling no more than 5 percent of the Coverage A limit to an insured without regard to proposed section VII.F ("Mortgage Clause," discussed below). Section VI.C.3.b would provide that the insurer may approve or reject the request for advance payment, and that such approval or rejection does not affect the final adjustment of the claim and does not change the homeowner policyholder's duties or insurer's options. Section VI.C.3.c would state that if the insurer provides an advance

payment that exceeds the covered loss, the insurer would send written notice of the overpayment, and the homeowner policyholder must repay the excess amount or dispute the validity of the overpayment within 30 calendar days. It would further provide that failure to repay any overpayment may result in a debt collection by the Federal Government. Current guidance requires the insurer to contact the homeowner policyholder with a description of the remedies available to the NFIP upon failure to repay the amount due by the deadline.⁶⁸ Providing this information in the policy would ensure the homeowner policyholder is aware of this option in advance. FEMA proposes this section to increase flexibility for insurers and transparency for the homeowner policyholder, as giving insurers the option to issue advance payments comports with industry practice. The language in VI.C.3.a permitting up to 5 percent of the Coverage A limit of liability as an advance payment would allow the insurer to issue a *de minimis* amount of payment to an insured without having to include a mortgagee on the check. Lastly, proposed section VI.C.3.c explains that an advance payment cannot provide for a beneficial loss as this is an indemnity policy. Indemnity insurance is a contractual agreement in which the insurer guarantees compensation for actual losses or damages sustained and thus, the homeowner policyholder must repay any excess amount issued.

d. Deductible

The Dwelling Form addresses deductibles in a standalone article (“VI. Deductibles”). For the Homeowner Flood Form, however, FEMA proposes to place the deductible section within section VI, “Procedures and Duties When a Loss Occurs,” as treating it within the loss context is more logical. FEMA also proposes to present the deductible as a single deductible instead of several deductibles for simplicity. Proposed section VI.D.1 would retain language in the Dwelling Form at VI.A, providing that when a loss is covered under the policy, the insured would pay only that part of the loss that exceeds the homeowner policyholder’s deductible amount (subject to the applicable coverage limit), and that the deductible amount is shown on the declarations page. This section would not retain the additional language in the Dwelling Form at VI.A regarding buildings under construction, as the Homeowner Flood Form would treat

buildings under construction in a separate endorsement. Proposed section VI.D.2 would provide that in each loss from flood, a single deductible applies to losses to the dwelling and all other insured property. Proposed section VI.D.3 would clarify that the deductible does not apply to any loss avoidance measures specified in proposed sections III.D.2 or III.D.3. Although offering separate deductibles for building and personal property coverage are long-time conditions of the flood insurance policy,⁶⁹ it is FEMA’s position that offering a single deductible for property and contents aligns with industry standards and customer expectations. A single deductible is also permissible under the NFIP’s statutory authority, as the NFIA sets the minimum deductible for buildings,⁷⁰ but no minimum deductible for personal property. Most claims for personal property loss also contain a building loss claim because personal property must be inside a building for coverage and it is unlikely that personal property would be damaged without corresponding building losses. The Biggert-Waters Flood Insurance Reform Act of 2012 (BW–12)⁷¹ requires policyholders be paid only for damage to property covered under their policy and a single deductible applying to losses from the dwelling and all other property insured by the policy comports with this. In proposed section VI.D.3, FEMA retains the reference to loss avoidance measures, but does not retain references

⁶⁹ The National Flood Insurance Act authorizes FEMA to deliver the NFIP in one of two ways. The first (Part A), envisions an industry program supported by the Federal Government whereby FEMA serves as a backstop for a pool of private insurers which sell a flood insurance policy containing terms provided by FEMA. The second (Part B, under which the NFIP currently operates), envisions a Government program with industry support whereby FEMA leads a program where private insurers agree to sell and service a Federal flood insurance policy. When the NFIP operated under Part A, the Department of Housing and Urban Development (HUD) set certain flood insurance terms and conditions by regulation that FEMA continued to utilize even after the switch to operating under Part B. *See generally* 24 CFR 1911(f)(3) (1970): “The policy contains a deductible clause. Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of this deductible is either \$100 for each type of loss (that is, \$100 on the structure and \$100 on the contents) or 2 percent of the amount of insurance applicable to the type of loss, whichever is greater;” and 44 CFR 61.5(d)(1980): “Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of the deductible for each loss occurrence is (1) For structural losses, \$200, and (2) for contents losses, \$200.”

⁷⁰ 42 U.S.C. 4019(b).

⁷¹ Public Law 112–141, 126 Stat. 916 (2012).

to condominium loss assessments or Increased Cost of Compliance. As mentioned previously, the Homeowner Flood Form would not cover condominium units, and would include ICC coverage through an endorsement.

e. Loss Settlement

FEMA proposes in section VI.E, “Loss Settlement,” to simplify the provisions regarding loss settlement compared to the Dwelling Form’s section on the same (*see* section VII.R). This section would make it clear that replacement cost value—the method of valuation using the amount that it would cost to replace an asset—rather than actual cash value, would be the default loss settlement. (As noted previously, a homeowner policyholder seeking coverage at actual cash value may do so by endorsement.) Section VI.E.1 would explicitly state that the policy provides both replacement cost value and actual cash value as possible methods of settling losses based on whether property is insured to value. (1) Section VI.E.1.a would apply replacement cost value to the dwelling, if at the time of loss, the coverage limit that applies to the dwelling is 80 percent or more of full replacement cost immediately before the loss or is the maximum coverage limit available under the NFIP. It would also apply replacement cost value to claims arising under Coverage B or C of the policy. Extending replacement cost value loss settlement beyond Coverage A to Coverage B and C aligns the Form with customer expectations and comports with other proposed changes for consistency across coverages. (2) Section VI.E.1.b would apply actual cash value if the dwelling is not eligible for replacement cost value because it does not meet the conditions of VI.E.1.a, (insured to value) or if actual cash value is specified in an endorsement (allowing homeowner policyholders to elect actual cash value loss settlement at the time of policy inception, with an appropriately adjusted premium requirement reflecting the lowered expected loss).⁷² Proposed section VI.E.1 would not retain special loss settlement, as it is only applicable to

⁷² Using replacement cost value allows FEMA to pay a policyholder to replace what he or she had at the time of loss with new like and kind quality. Actual cash value allows FEMA to pay a policyholder to replace what he or she had at the time of loss while considering the quality of the item and applying depreciation. For example, if a floor is damaged by a flood, under replacement cost value, the policyholder would receive payment for the type of flooring at the same quality at current prices. Under actual cash value, the policyholder would receive payment for the type of flooring at the same quality less depreciation (wear and tear, etc.), resulting in a reduced payment.

⁶⁸ *See* Claims Manual at 217.

certain mobile homes (which would not be covered under the Form).

Proposed section VI.E.2, “Replacement Cost Value Settlement,” would provide that if the loss is subject to replacement cost value under VI.E.1.a, the insurer would pay to repair or replace the damaged dwelling or other buildings at the described location or covered personal property, but not more than the lesser of (1) the coverage limit applicable to the loss as shown on the declarations page; (2) the replacement cost of the damaged part of the dwelling using materials of like kind and quality and for like use; or (3) the amount necessary to repair or replace the damaged part of the dwelling for like use. Proposed section VI.E.2 would also provide that where the loss is subject to replacement cost value and the dwelling is rebuilt at a new location, the insurer would pay only the cost that would have been incurred if the dwelling had been rebuilt at its former location. Proposed section VI.E.3, “Actual Cash Value,” would provide that if actual cash value loss settlement applies, the insurer would pay the lesser of the actual cash value of the covered property, or the policy limits stated on the declarations page. Compared to the Dwelling Form, these sections contain conforming edits (such as not retaining the distinction between primary and nonprimary residences), and nonsubstantive edits for readability. These sections would also not retain the special situations listed in the Dwelling Form where only actual cash value applies, consistent with other proposed changes.

FEMA proposes a new section VI.E.4, “Flood Mitigation Expenses,” to give customers and those who have suffered loss additional options to receive payment for modest mitigation efforts.⁷³ Section VI.E.4.a would provide that the insurer would reimburse for post-loss expenses that mitigate against future flood events as long as post-loss expenses do not exceed the policy limits. Section VI.E.4.b would allow the homeowner policyholder to choose to replace any damage under Coverage A or B with Flood Damage Resistant Materials; after completing installation of these materials, the homeowner policyholder may request reimbursement. Section VI.E.4.c would allow the homeowner policyholder to choose to elevate his or her machinery and equipment above a basement or enclosure. Such elevated machinery or equipment must be elevated to a height

reasonably expected to avoid future direct physical loss by or from flood. After elevating machinery and equipment, the homeowner policyholder may request reimbursement. The NFIP is not strictly an insurance program, but rather a program that combines studying flood risk, mapping it, creating national minimum floodplain management standards, and transferring flood risk.⁷⁴ Under these revisions, FEMA would not only pay to repair damaged property to the status quo ante, it would pay for the additional higher costs of flood damage resistant materials or additional labor to move machinery and equipment. In the same way that many insurers currently take efforts to reduce the likelihood or size of future claim payments pre-loss,⁷⁵ these revisions would allow FEMA to pay for similar actions, just after the loss. Ultimately, the coverage is there to help the homeowner policyholder recover; FEMA anticipates that the premiums tied to the coverage choices would signal the underlying risk and promote mitigation efforts.

Lastly, proposed section VI.E.5 would provide that the Form is not a valued policy and would explain that a valued policy is a policy in which the payable amount in the event of a total loss is agreed upon by the insured and insurer. This reference puts the homeowner policyholder on notice that, in the event of a total loss, the homeowner policyholder would not automatically receive the policy limits. Although the Dwelling Form also states that it is not a valued policy, it contains this statement in the Definitions section. FEMA proposes to place this in the Form’s Loss Settlement section (1) because this is the only location where it uses the term, and (2) to acknowledge the frequency with which insurers cite to the term in denial letters, so that homeowner policyholders would better understand the policy’s loss parameters.

⁷⁴ See 42 U.S.C. 4001 *et seq* generally. Note that 42 U.S.C. 4001 addresses the intent of Congress to create a program that is not strictly a flood insurance program; 42 U.S.C. 4014(a) authorizes the agency to conduct studies and investigation for premium rate estimation; 42 U.S.C. 4101b authorizes the agency to map flood risk; 42 U.S.C. 4102 authorizes the agency to conduct studies and investigations for land management, floodplain management, and zoning; 42 U.S.C. 4122 authorizes the agency to study perils other than flood; and 42 U.S.C. 4127(c) authorizes the agency to utilize appropriations for studies.

⁷⁵ E.g., many insurers offer defensive driving discounts for automobile policies, premium credits if a policyholder installs a security system in his or her home, a reduction in premium for a commercial liability policy if the business has sprinkler systems installed throughout, etc. In essence, these efforts “pay” for actions pre-loss through reductions in premium collected.

f. Appraisal

In section VI.F, “Appraisal,” FEMA proposes to revise provisions regarding appraisal to more closely mirror the NFIP’s guidance issued by bulletin,⁷⁶ as appraisal carries a different meaning for the NFIP than it does for property insurance under some state laws.⁷⁷ Under section VI.F, if the homeowner policyholder and the insurer fail to agree on the replacement cost value, or if applicable, actual cash value, and are thus unable to settle the amount of loss, either party may demand an appraisal of the loss. Section VI.F.1 outlines the conditions before a homeowner policyholder can request an appraisal. Before requesting an appraisal, the homeowner policyholder must agree with the insurer on a list of damaged items to be appraised (VI.F.1.a) and must have complied with proof of loss requirements (VI.F.1.b). (If the homeowner policyholder is uncertain about their loss and has not finalized a proof of loss claim, the appraisal process is not appropriate). Section VI.F.1.c would provide that appraisal is only available when the dispute involves the price to be paid for the covered property. Other disputes, such as disputes regarding coverage or causation, or the extent of the loss, would not be able to be resolved through the appraisal process. Section VI.F.2, “Appraisal Process,” retains the language from section VII.M of the Dwelling Form with minor conforming changes regarding actual cash value and replacement cost value, and clarifying that the timeframes are in calendar days, consistent with other proposed changes in the form. In proposed section VI.F.3, FEMA seeks to more closely mirror the guidance set out by previous bulletins to confirm that appraisals can only be used when it would result in complete resolution of the entire claim and

⁷⁶ See Bulletin W-13029, “Proper Invocation and Usage of the Appraisal Clause Provisions in the Standard Flood Insurance Policy” (May 15, 2013), found at <https://nfip-services.floodsmart.gov/sites/default/files/w-13029.pdf> (last accessed Aug. 28, 2023).

⁷⁷ In traditional claims handling, one first addresses eligibility (*i.e.*, is there a valid policy, insurable interest, etc.), then coverage (*i.e.*, is there a loss caused by flood?), then the scope of the loss (*i.e.*, how much damage did floodwater cause?), then finally pricing (*i.e.*, the value of the loss items). For the NFIP, appraisal only comes into play when there is a dispute regarding pricing (*i.e.*, the insurer and policyholder agree on eligibility, coverage, and scope, just not on price). Many states, by contrast, use appraisal in a variety of other ways, such as determining causation (especially when there are multiple perils) or other aspects of the claim. Because each state has specific insurance laws that govern in the absence of a Federal law on point, appraisal often serves as a “catch-all” for a range of dispute resolution programs that exist for insurance which vary from state-to-state.

⁷³ Any payment for mitigation efforts must be within statutory limits and within the context of repairs of damaged items where applicable.

cannot be used to resolve only part of the claim or to determine the value of some items and not others.

8. Section VII: General Conditions

Proposed section VII, “General Conditions,” would contain items of general applicability to the policy. While article VII of the Dwelling Form contains most of these provisions, the Homeowner Flood Form would reorganize them alphabetically to make it easier for the policyholder to find relevant information. It would also add three new provisions (“Death,” “Headings and Captions,” and “Your Options After Our Denial”) discussed in further detail below.

In proposed section VII.A, “Abandonment,” FEMA proposes to add the word “unilaterally” so that the provision would read that the policyholder may not unilaterally abandon to the insurer, damaged or undamaged property insured under the policy. This is to ensure an agreement for salvage, as the policyholder cannot invoke salvage for the insurer. Proposed section VII.B, “Amendments, Waivers, and Assignment,” would break out the first two sentences of section VII.C of the Dwelling Form into separate clauses for readability, and would change the reference to “Federal Insurance Administrator” to “Administrator” to conform with the policy’s proposed terminology. Although the current Dwelling Form provides conditions under which the policyholder may assign the policy, proposed section VII.B.3 would prohibit the assignment of the policy or claim to any other party in order to avoid claims-related issues in states that allow assignment of benefits.⁷⁸ Because the increased choice and flexibility of the Homeowner Flood Form allows homeowner policyholders to tailor it to their needs, it is FEMA’s position that it would not be necessary or desirable for a homeowner policyholder to assign the policy to another party.⁷⁹ This is because the policy, as tailored by the original homeowner policyholder, would not

necessarily provide adequate insurance coverage for the assignee. Eliminating the option to assign should result in more fulsome discussions between agents and homeowner policyholders regarding available options and would allow each homeowner policyholder to choose the options that are right for them, rather than having to accept a policy tailored to another individual’s choices.

Proposed section VII.C, “Death,” would be a new provision and would provide that in the event of the homeowner policyholder’s death during the policy term, the coverage under the policy would continue automatically for any other insured(s). If no other insured exists, the policy would insure the administrator, executor, or other legal representative of the homeowner policyholder’s estate as previously determined by the homeowner policyholder or the intestacy laws of the state where the described location is located, but only for the dwelling, building(s), and personal property of the deceased at the time of death. Issues involving the death of a homeowner policyholder arise with frequency. These can include situations where insurers deny claims by invoking the assignment clause, questions arise over whether the spouse was a resident of the same household, or more simply, remaining family who are still grieving the loss become frustrated with the insurance process. Addressing this scenario in the policy would align it with industry practice, as homeowners’ policies include a death clause, and would reduce complexity for the remaining insured(s) and/or family of the deceased.

Proposed section VII.D, “Duplicate Policies Not Allowed,” would provide that FEMA would not insure personal property at the described location under more than one NFIP policy. It would further provide that if there is more than one NFIP policy for buildings at the described location, FEMA would apply the NFIP rules concerning duplicate policies and cancel or nullify one of the policies, whichever is applicable, which may result in a refund. Compared to the Dwelling Form (*see* sections I.F and VIII.D.3), the proposed language here contains updates to capture the ability to have other insurance from a private carrier (but not multiple NFIP policies), to reflect 44 CFR 62.5(e), “Cancellation or Nullification of Duplicate NFIP Policies,” as well as other minor and conforming updates for clarity and readability.

Proposed section VII.E, “Headings and Captions,” would be a new provision and would provide that the

headings and captions used in the policy are for convenience of reference only and shall not affect or control the meaning or interpretation of any of the terms, conditions, or provisions of the policy. FEMA proposes this provision for clarity and to prevent dependence on meta-textual information.

In sections VII.F, “Mortgage Clause,” VII.G, “No Benefit to Bailee,” VII.H, “Other Insurance,” and VII.I, “Pair and Set Clause,” FEMA proposes to retain the language from the Dwelling Form with minor edits. Proposed section VII.F, “Mortgage Clause,” would retain the language in the Dwelling Form at VII.N and make minor conforming and clarifying changes. For example, FEMA proposes conforming edits to proposed VII.F.1 to describe coverages of buildings, and edits to proposed VII.F.4 to extend to mortgagees the same right to access claim files as that available to the named insured as they both have equity in the property and both are already entitled to receive loss payment. Proposed section VII.G., “No Benefit to Bailee,” would retain the language from the Dwelling Form at section VII.I as this language is industry standard, with minor grammatical edits. FEMA proposes minor conforming edits to proposed section VII.H, “Other Insurance,” (such as updating cross references and not retaining the language in the Dwelling Form at section VII.B.2 regarding insurance for condominium associations, as the Homeowner Flood Form would only cover homeowners). Proposed section VII.I, “Pair and Set Clause,” would include language from the Dwelling Form at section VII.A with grammatical changes, except that it would not retain the language regarding depreciation as the loss settlement provision would be at replacement cost value, not actual cash value.

Proposed section VII.J, “Salvage,” would retain the language from section VII.L of the Dwelling Form at proposed VII.J.2, but would include a new provision at VII.J.1 stating that after providing written notice, the insured may take all or any part of the damaged property at the value that the parties agree upon or its appraised value. (This provision is currently in the Dwelling Form at VII.H.3.b, “Our Options After A Loss” [proposed VI.B of the Homeowner Flood Form], and FEMA proposes to include this language in proposed section VII.J instead because it relates to salvage).

In proposed section VII.K, “Subrogation,” FEMA proposes to rewrite the provision on subrogation because the language in the Dwelling Form at VII.P has been a source of

⁷⁸ FEMA notes that while the Agency does permit assignment of ICC benefits to a community in the context of grants, the extent to which the FEMA will continue to permit assignment of ICC benefits would be addressed in the ICC Endorsement.

⁷⁹ For instance, a homeowner policyholder may want actual cash value while an assignee might want replacement cost value coverage, a homeowner policyholder may want additional living expenses while an assignee might not, or a policyholder may not want to cover other buildings under Coverage B, while an assignee might want to cover one or more. In addition, to the extent that FEMA permits different values for sublimits (*e.g.*, loss avoidance, etc.), this is another choice that may differ between homeowner policyholders and assignees.

confusion to homeowner policyholders. Section VII.K would define “subrogation” upfront to mean that the homeowner policyholder’s right to recover for a loss that was partly or totally caused by someone else is automatically transferred to the insurer, to the extent the insurer has paid for the loss. It would state that the insurer may require the homeowner policyholder to acknowledge the transfer in writing. The provision would continue by explaining the subrogation process in more detail, providing that whenever the insurer pays for a loss under the policy, the insurer is subrogated to the homeowner policyholder’s right to recover for that loss from any other person. After the loss, the homeowner policyholder must deliver all related papers to the insurer, must cooperate with the insurer, and may not interfere with or do anything that would prevent the insurer’s right to recover this money. If the insurer pays for a loss under this policy and the homeowner policyholder: (1) makes a claim against any person who caused the loss; and (2) recovers any money from that person, the homeowner policyholder must return the insurer’s payment before keeping the recovered funds, without regard to any non-covered losses occurring at the described location.

Finally, FEMA proposes a new section VII.L, “Your Options After Our Denial,” to place the options that a homeowner policyholder has after denial in a single location within the General Conditions section. Proposed section VII.L.1, “Request Additional Payment,” would provide that the homeowner policyholder may request additional payment and amend the initial proof of loss, and must submit this request of amended proof of loss as set forth in proposed VI.A. It would further provide that a denial letter does not extend the deadline in proposed VI.A.3 to submit a proof of loss. This section would reaffirm to homeowner policyholders that there are additional administrative options through which they can come to a resolution with the insurer on a claim. Giving homeowner policyholders options to work with insurers in order to reach a satisfactory agreement aligns with industry practice and should result in fewer appeals or lawsuits. Proposed section VII.L.2, “Appeal,” would provide that if the insurer denies a claim, in whole or in part, the insurer would send the homeowner policyholder a denial letter. If the homeowner policyholder wishes to appeal the denial, he or she must send an appeal letter explaining his or her position and a copy of the denial

letter to FEMA within 60 calendar days of the date of the insurer’s letter. It would further provide that filing an appeal to FEMA does not limit or affect the homeowner policyholder’s ability to file suit, or to seek an additional payment or file an amended proof of loss with the insurer. Proposed section VII.L.2 incorporates requirements from the Flood Insurance Reform Act of 2004⁸⁰ on the appeals process and other conforming changes (*i.e.*, specifying “calendar” days). Proposed section VII.L.3, “File a Lawsuit Against Us,” would retain the language currently in the Dwelling Form at VII.F, “Suit Against Us,” with minor grammatical changes.

Finally, in the signature section, FEMA proposes to update the signee from “Administrator, Federal Insurance Administration,” to “Federal Insurance Administrator, a position set in statute.”⁸¹

D. Appendix A(101): Increased Cost of Compliance Coverage Endorsement

As mentioned above, in addition to the Homeowner Flood Form, FEMA also proposes to offer five endorsements to expand or exclude coverage for various risks. The first of these endorsements is for Increased Cost of Compliance (ICC) coverage. Under section III.D of the Dwelling Form, when an insured building sustains a flood loss and the community declares the building substantially or repetitively damaged, ICC coverage will pay up to \$30,000 for the cost to elevate, demolish, or relocate the building. FEMA proposes to offer this additional coverage for the cost to comply with State or community floodplain management laws or ordinances after a direct loss from flood not within the Homeowner Flood Form itself, but as an endorsement to the new Form.

The ICC Endorsement would modify the Homeowner Flood Form in six locations. First, it would add to section II of the Form definitions for “Community Official” and “Compliance Activities.” “Community Official” would mean the non-Federal official enforcing floodplain management ordinances that meet or exceed the minimum standards of the NFIP on a damaged building. “Compliance Activities” would mean legally required mitigation activities approved by the Administrator that reduce or remove the risk of future flood damage to a building at the described location. Second, it would add to section III, “What We Cover,” a new section E, “Increased

Cost of Compliance.” Section E would provide that FEMA would pay up to the ICC limit for the cost of compliance activities actually incurred when required by a community official. It would specify that use of this coverage is at the homeowner policyholder’s option, but the combined payments from FEMA under Coverage A, Coverage B, and Coverage E may not exceed the maximum amount of coverage permitted by the NFIA. It would also require that when the building is repaired or rebuilt, it must be intended for the same occupancy as the present building unless otherwise required by current floodplain management ordinances or laws. It would also explicitly state that the Homeowner Flood Form, as modified by the ICC Endorsement, would not cover (1) anything already excluded anywhere in the policy, (2) costs of compliance activities for either flood loss pre-dating the current loss, or for additions or improvements to the dwelling made after the loss occurred, and (3) any standard that does not meet the minimum requirements of the NFIP. Third, the ICC Endorsement would add to section IV, “Exclusions,” a sentence to paragraph IV.A.2. to specify that the economic loss exclusion would not apply to any eligible activities described in added Coverage E. Fourth, it would amend section V, “Policy Conditions,” by adding to paragraph E.1 that in the event of a flood associated with a Presidentially-declared disaster or emergency, the Administrator may extend the timeframe for requesting ICC for a period not to exceed 6 years from the date of loss. Fifth, it would amend section VI, “Procedures and Duties When A Loss Occurs,” by expanding paragraph D.3 to specify that the deductible would not apply to ICC coverage, and adding to paragraph E, “Loss Settlement,” a sixth subparagraph to specify that FEMA would pay a homeowner policyholder for eligible ICC costs when (s)he has completed his or her compliance activities as soon as reasonably possible after the loss, not to exceed 2 years. Finally, the ICC Endorsement would modify section VII, “General Conditions,” to provide an exception to the prohibition against assigning the policy in paragraph B.3 to allow a homeowner policyholder to assign a claim under Coverage E to a state or local government or nonprofit organization to apply toward the non-Federal cost share of a Federal grant.

FEMA proposes offering ICC coverage as an endorsement to the new Form rather than providing it within the Form (as the Dwelling Form does) to streamline its implementation. Its

⁸⁰ Flood Insurance Reform Act of 2004, Public Law 108–264 (2004).

⁸¹ 42 U.S.C. 4129

placement within the text of the current Dwelling Form has created transactional difficulties as ICC involves more stakeholders than the rest of the insurance contract. While the Dwelling Form generally involves just the policyholder and the WYO, ICC involves the homeowner policyholder, WYO, and local officials. Moreover, while the timelines for processing claims under Coverages A, B, and C occur relatively quickly under current practices, the timelines for processing ICC claims can extend for years. This is largely because homeowner policyholders must receive a letter from the relevant community official, permits, claims for partial and complete payments, certificates of occupancy, etc. Because ICC is a different coverage with a different process, offering it as an endorsement would help create a break between the two tracks and enable the NFIP to more easily monitor and analyze information concerning ICC coverage. For any homeowner policyholder who could receive ICC benefits, FEMA would automatically add the ICC Endorsement to the policy. (This endorsement is the only one out of the five proposed endorsements that would be “mandatory” in this respect).⁸² In almost every possible situation for the Homeowner Flood Form, the homeowner policyholder will have ICC coverage but FEMA is still proposing that ICC coverage be available through an endorsement to allow for more flexibility in future flood policy form revisions.

E. Appendix A(102): Actual Cash Value Loss Settlement Endorsement

The Dwelling Form uses actual cash value rather than replacement cost value as the general default loss settlement.⁸³ Most property owners, however, intend to insure buildings for replacement cost or up to the statutory limit of \$250,000 for a single-family building in order to come as close as possible to being made whole. It is for this reason that FEMA proposes to offer replacement cost value as the Homeowner Flood Form’s default loss settlement. Nevertheless, FEMA proposes to offer homeowner

policyholders the choice of insuring their building for actual cash value for a reduced premium.

The Actual Cash Value Loss Settlement Endorsement would modify the Homeowner Flood Form to provide actual cash value as the only available valuation for settling covered losses. It would amend subparagraph E.1 (“Loss Settlement”) in section VI to provide that the policy offers actual cash value loss settlement, and remove from the Homeowner Flood Form subparagraph E.2, “Replacement Cost Value Loss Settlement.”

F. Appendix A(103): Temporary Housing Expense Endorsement

The Dwelling Form expressly excludes coverage for additional living expenses incurred while the insured building is being repaired or is unable to be occupied for any reason. (See section V.A.5). The insurance industry, however, generally offers coverage for additional living expenses. Accordingly, FEMA proposes to offer homeowner policyholders the option of purchasing additional coverage to receive compensation in the event they are displaced from their insured property due to flood while their home is undergoing repair. This optional coverage would align with the NFIA’s directive to provide coverage “against loss resulting from physical damage to or loss of real property or personal property,” 42 U.S.C. 4011(a), because it would protect homeowner policyholders from certain economic harms directly resulting from physical damage to their home. Making this optional coverage available would also decrease the need for post-disaster housing assistance through FEMA’s Individuals and Households Program.

The Temporary Housing Expense Endorsement would cover temporary housing expenses actually incurred by homeowner policyholders up to the coverage sublimit for an additional premium when the dwelling is uninhabitable or the homeowner policyholder is ordered to evacuate.⁸⁴ The endorsement would modify Homeowner Flood Form section III, paragraph A.4.a to state that the policy does not cover loss of use of the described location while the dwelling is inaccessible, being repaired, or is uninhabitable for any reason except as provided in III.D.4 as modified by endorsement. The endorsement would also modify section III by redesignating

paragraph D.4 as D.5, and adding a new subparagraph D.4, “Temporary Housing Expense.” This subparagraph would provide two scenarios where FEMA would cover temporary housing expenses actually incurred by the homeowner policyholder up to the coverage sublimit for an additional premium received. First, FEMA would provide coverage when the dwelling at the described location is uninhabitable due to direct physical loss by or from flood. Payment in this scenario would be for the shortest amount of time required to repair or replace the damage or, if the homeowner policyholder permanently relocates, the shortest time required for his or her household to settle elsewhere. Second, FEMA would provide coverage when a legally authorized official has issued an evacuation or civil order for the community in which the dwelling is located calling for measures to preserve life and property from the peril of flood. Payment in this scenario would be for the shortest time period covered by the order. This subparagraph would also provide that the time period for temporary housing expense coverage is not limited by the expiration of the policy term specified in I.D, but in any case, would not exceed 24 consecutive months from the date of the covered flood loss.

G. Appendix A(104): Basement Coverage Endorsement Approaches

The current Dwelling Form restricts coverage in a basement. Under the Dwelling Form, FEMA limits basement coverage to drywall for walls and ceilings and the cost to nail it, unfinished and unfloated and not taped, to the framing (section III.A.8.a(3)); nonflammable insulation (section III.A.8.a(10)); foundation elements; stairways; and certain kinds of machinery and equipment. In addition, the Dwelling Form limits personal property coverage in a basement to portable or window type air conditioning units, clothes washers and dryers, and non-walk-in food freezers and food in any freezer as long as these are installed in their functioning locations and, if necessary for operation, connected to a power source (section III.B.3).

As FEMA describes above in sections III.A.3.a and III.A.3.c of this preamble, FEMA includes in the proposed Homeowner Flood Form limited, simplified coverage for basements. FEMA recognizes, however, that homeowners may value their basements, and contents within, more than the amount covered by the policy. FEMA has offered this restrictive coverage for

⁸² 42 U.S.C. 4011(b).

⁸³ See section VII.R.1.c. The Dwelling Form uses actual cash value as the default in the following contexts: when the dwelling is underinsured (coverage purchased is <80% of replacement cost value and less than the maximum amount available under the NFIP); two-to-four family dwellings; units not used exclusively as single-family dwellings; detached garages; personal property; appliances, carpets, carpet pads; outdoor awnings, outdoor antennas/aerials, or other outdoor equipment; post-loss abandoned property that remains at the described location; and any residence that is not a principal residence. Art. VII.R.4.

⁸⁴ This endorsement would not cover expenses beyond those directly related to an inhabitable dwelling, such as tolls for an increased commute or childcare costs.

four decades and the proposed new Homeowner Flood Form would not change that coverage absent an endorsement. FEMA believes the limited basement coverage creates challenges in the flood insurance sales context for homeowner policyholders who want more coverage than the current Dwelling Form allows and in the recovery context for homeowner policyholders who need it to more fully recover from a flood event.

FEMA further believes that expanded basement coverage would not significantly impact the financial soundness of the NFIP. Basements are not typical in many of the areas that experience a higher frequency of hurricanes and catastrophic flooding, *e.g.*, Florida and Louisiana. In its efforts to develop this coverage, FEMA undertook an analysis of the impact of expanded basement coverage on the financial soundness of the NFIP. Using Superstorm Sandy (2012) as a proxy for catastrophic flooding in an area with a higher incidence of basements, FEMA determined that it would have paid an additional 6 percent in loss payments (over \$500,000,000 in expenses) if every claim involving a basement opted for expanded coverage. FEMA notes that it would have brought in additional premium to offset this amount, though it had no means to determine the specific amounts of premium across all policies. The relatively low percentage for the overall cost reflects that NFIP coverage already pays for multiple high-cost items typically located in basements (*e.g.*, HVAC, water heaters, etc.). While a low percentage, there is a corresponding benefit to policyholders who would no longer have to make up that difference as they recovered from the flood event. FEMA believes that offering better coverage may attract policyholders in other regions of the country that do not typically face catastrophic hurricane risk but where basements are more prevalent; however FEMA seeks comment on whether offering additional basement coverage would attract policyholders.

Given these factors, FEMA considered three approaches to basement coverage: (1) the current approach of retaining the current restricted coverage, with a focus on training agents selling flood insurance to further discuss what constitutes a basement under the Homeowner Flood Form and the restrictions on coverage at the point of sale to better inform homeowner policyholders and those seeking to purchase new homeowner flood insurance of the coverage restrictions; (2) FEMA's preferred approach of offering an endorsement to the proposed

Homeowner Flood Form that would allow homeowner policyholders to remove the restrictions currently on basement coverage for an additional premium ("Basement Coverage Endorsement"); and (3) a third approach of offering an endorsement (a) to allow homeowners with split-level homes or sunken room(s) to remove the restrictions for additional premium, while also allowing limited building coverage, for additional premium, and (b) to homeowner policyholders who need to occupy (occupancy) part of their basement to remove the restrictions to allow limited coverage, for additional premium. Occupancy would focus additional coverage on rooms in the basement such as bedrooms, bathrooms, and kitchens/kitchenettes. Maintaining current basement coverage restrictions and providing additional training to agents under the first approach could better equip agents to explain the coverage and identify basements at the time of application. The potential benefit of this approach could increase basement coverage understanding for insurance agents that could be conveyed to homeowners during the time of application. FEMA rejected this basement coverage alternative approach because the current restricted basement coverage fails to adequately meet the insurance needs of the American people. FEMA does not expect additional insurance agent training to greatly improve homeowner policyholder coverage understanding because homeowners only have one standard flood insurance policy for selection. This lack of consumer choice limits policyholder engagement of coverage details and discussions with agents at the time of application.

FEMA's preferred approach is the approach (approach two) to remove restrictions, as it would offer homeowner policyholders a Basement Coverage Endorsement where they can purchase coverage up to specified sublimits for an additional premium. For approach two, FEMA proposes that the endorsement to remove restrictions currently on basement coverage for an additional premium. ("Basement Coverage Endorsement") would replace section III.A.2 ("Limited Coverage for Basements and Enclosures") with a new subparagraph A.2, "Coverage for Basements." This subparagraph would state that for an additional premium received, FEMA insures up to the selected Coverage A sublimit against direct physical loss by or from flood to the basement. FEMA further proposes that the endorsement for approach two would also replace III.C.3.a

("Limitations on Property in a Basement or in an Enclosure") with a new subparagraph C.3.a providing that (1) for an additional premium, FEMA would insure up to the selected Coverage C limit against direct physical loss by or from flood to personal property in a basement; and (2) in an enclosure, the policy would only cover appliances installed in their functioning locations and, if necessary for operation, connected to a power source. The proposed Homeowner Flood Form enhanced basement coverage (approach two) addresses several deficits currently present in the Dwelling Form and enhances available coverage for homeowners. It is aligned with common industry practice, which standardizes available coverage to homeowners with basements, and coverage is clear to the homeowner policyholder, reducing asymmetric information. The levels of coverage and risk of damage would be appropriately reflected in the premiums, directly signaling to homeowner policyholders their level of risk. For these reasons, FEMA selected the Homeowner Flood Form (approach 2) for this proposed rule.

Approach three includes two potential endorsements (approaches 3.1 and 3.2). First, approach 3.1 would include an endorsement option for split-level and sunken rooms that would replace the definition of "Basement" in proposed paragraph C.2 of section II to define a basement as any area of a building having its floor level below ground level on all sides, regardless of design or use and further clarify that an area of a building is below ground level when the land directly touching the exterior of the building is above its floor level; and that an area of a building is presumed to be below ground level when it is necessary to walk up steps or a slope to reach the land surrounding the building. A professional land survey or report may rebut this presumption. Further, the "Basement" definition under approach three would clarify that a sunken or recessed portion of a room or area that is otherwise above ground level is not a basement and that the first level below the main entrance to the dwelling, commonly referred to as a split-level home, is not a basement. Approach 3.2 would offer an additional endorsement option for basement occupancy. This additional endorsement would amend the proposed Homeowner Flood Form to replace paragraph A.2 of section III, specific to building coverage, on what FEMA covers with the following language: "Basement occupancy. For additional premium received, we insure

a bedroom, bathroom, or kitchen in a basement when required for the occupancy of the dwelling, where no other room in another part of the dwelling meets this need.”

The Design and Occupancy approaches (approaches 3.1 and 3.2) address specific deficits currently present in the Dwelling Form and enhances available coverage for certain homeowners. These approaches introduces choice and expands coverage options for homeowners that meet the Design or Occupancy eligibility. FEMA considers the Design and Occupancy alternative approaches a partial improvement but did not select this alternative because of the limited portion of eligible homeowner policyholders and the complexity of the approach for FEMA, homeowner policyholders, and insurance agents.

FEMA seeks comment on the agency’s current restricted coverage (approach one), the agency’s preferred approach of removing the restrictions on current coverage (approach two) and the additional approach to basement coverage considered (approaches 3.1 and 3.2). Specifically, FEMA seeks comment on whether the Homeowner Flood Form should either (1) retain the current restricted coverage, with a focus on training agents selling flood

insurance to further discuss what constitutes a basement under the Homeowner Flood Form and the restrictions on coverage at the point of sale to better inform homeowner policyholders and those seeking to purchase new homeowner flood insurance of the coverage restrictions; (2) offer an endorsement to the proposed Homeowner Flood Form that would allow homeowner policyholders to remove the restrictions currently on basement coverage for an additional premium (“Basement Coverage Endorsement”); or (3) offer an endorsement to allow homeowners with split-level homes or sunken room(s) or for basement occupancy to remove the restrictions for additional premium, while also allowing limited building coverage, for additional premium.

In drafting this rule, FEMA undertook a preliminary analysis of its policies in force for properties with a basement (as of September 30, 2022) to see how basement coverage would impact the cost of insurance for policyholders. The cost of insurance includes annual premiums, fees, assessments, and surcharges. Assuming all other rating factors remain the same, the analysis of the proposed rule across all policies with the default basement coverage, *i.e.*, restricted, would result in a total annual

average cost of insurance of \$1,827. Fully expanded basement coverage, proposed by FEMA as an endorsement, would result in a total annual average cost of insurance of \$2,756. The alternative, limited expansion of basement coverage, would result in a total annual average cost of insurance of \$2,518.

In total, for all NFIP policyholders with a basement as of September 30, 2022, those paying a total annual cost of insurance of \$1,000 or less would pay an average of \$648 annually with restricted basement coverage, \$952 annually with fully expanded basement coverage, and \$870 annually with a limited expansion of basement coverage. Policyholders who currently pay between \$1,000 to \$2,000 annually would see the total annual cost of insurance at \$1,426, \$2,140, and \$1,970, respectively. For policyholders who currently pay between \$2,000 to \$3,000 annually, the total annual cost of insurance would be \$2,451, \$3,706, and \$3,416, respectively. This is shown more fully in the chart directly below, which appears in FEMA’s Regulatory Impact Analysis (located in the docket) under the heading “Table 9.21: Cost of Insurance Scenarios for Single Family Home with Basements, 2022\$”:

TABLE 1—COST OF INSURANCE SCENARIOS FOR SINGLE FAMILY HOME WITH BASEMENTS
[2022\$]

Current range of cost of insurance	Policyholders in Force (PIF) distribution (%)	Average Replacement Cost Value (RCV) (\$)	Average risk-based cost of insurance with current basement coverage (\$)	Hypothetical average risk-based cost of insurance (\$)	
				Fully expanded basement coverage (\$)	Limited expansion of basement coverage (\$)
	Note 1	Note 2	Note 3	Note 4	
		2022\$	2022\$	2022\$	2022\$
\$0–\$1,000	41	\$596,319	\$648	\$952	\$870
\$1,000–\$2,000	29	562,203	1,426	2,140	1,970
\$2,000–\$3,000	14	567,245	2,451	3,706	3,416
\$3,000–\$4,000	7	601,448	3,447	5,229	4,793
\$4,000–\$5,000	4	638,888	4,456	6,772	6,180
\$5,000–\$6,000	2	657,637	5,444	8,290	7,488
\$6,000–\$7,000	2	675,366	6,453	9,841	8,837
\$7,000–\$8,000	<1	755,335	7,451	11,377	10,198
\$8,000–\$9,000	<1	827,914	8,452	12,917	11,545
\$9,000–\$10,000	<1	979,791	9,439	14,435	12,894
\$10,000–\$11,000	<1	1,082,634	10,462	16,008	14,310
\$11,000–\$12,000	<1	1,356,362	11,508	17,618	15,815
\$12,000–\$13,000	<1	914,762	12,388	18,972	17,075
\$13,000	<1	3,671,109	13,209	20,235	18,123
Average .....	.....	592,982	1,827	2,756	2,518

H. Appendix A(105): Builder's Risk Endorsement

FEMA has witnessed issues arise for homeowner policyholders who are constructing a building, but who do not have a building (as defined by the SFIP) at the time of loss. The Dwelling Form covers buildings under construction at section III.A.5. When FEMA provides coverage for a building under construction, it typically issues the policy in the builder's name. If the builder fails to assign the policy to the property owner prior to loss, however, both the property owner and the builder would be left without coverage. (The property owner would lack coverage because he or she was not listed on the policy, and the builder would lack coverage because it would no longer have an insurable interest in the property). In some cases, FEMA issues the policy jointly to the builder and property owner. If the parties do not revise the policy to remove the builder's name after completion, however, this could cause considerable delays because FEMA would have to stop and void the claim payment, then reissue the payment once the builder's name is removed. To simplify coverage, align with property and casualty practices, and eliminate insurable interest issues, the Homeowner Flood Form would require that the building has been constructed, while the Builder's Risk Endorsement would cover buildings under construction.

The Builder's Risk Endorsement would name the builder as an additional insured party and provide business rules within the endorsement to avoid automatic renewal billing of the policy for the builder. Section I of the endorsement would replace section I.D of the Homeowner Flood Form with language that confirms the builder's coverage expires on the date the dwelling is completed and occupied, the date the endorsement is deleted by the insurer, and the Homeowner Flood Form becomes effective in its entirety; or at 12:01 a.m. on the last day of the policy term stated on the declarations page. This change ensures the builder is not a named party to the policy following completion of construction. In addition, this endorsement would define "Construction" as any new development of land at the *described location* resulting in a *building* or

alteration or repair of a *building*, including a *dwelling* at the *described location*. This endorsement would also replace section III of the Form in its entirety. While generally mirroring the Form's language in section III, the endorsement would offer changes to clarify the coverage for the builder. Proposed section III.A.1.a of the endorsement would clarify that coverage is for the dwelling under construction at the described location. It would further specify that if the dwelling is not yet walled or roofed as described in the definition of "building," then coverage applies (1) only while construction is in progress, or (2) if construction is halted only for a period of 90 consecutive days thereafter. This is to limit the use of this endorsement to a building actively under construction, as FEMA would not offer coverage for an incomplete building that has been sitting for several months. Proposed section III.A.1.b of the endorsement would remove the words "alteration, or repair" from the phrase "materials and supplies to be used for construction" because these words are superfluous given that they are included in this endorsement's definition of "Construction." Proposed section III.A.2 would make a minor organizational change. Proposed section III.C would clarify that unlike the proposed Homeowner Flood Form, personal property would not be covered until the dwelling is completed and occupied, the endorsement is deleted by the insurer, and the Homeowner Flood Form becomes effective in its entirety. The endorsement would also revise section V of the Form by adding a section to V.B to allow only one renewal for a policy with a Builder's Risk Endorsement attached to it. Finally, the endorsement would add language in section VII.F of the Form regarding mortgagees to clarify that a holder of a construction loan upon which draws have been paid shall be considered the "mortgagee" under the policy.

V. Regulatory and Economic Analysis

A. Executive Order 12866, Regulatory Planning and Review, as Amended, and Executive Order 13563, Improving Regulation and Regulatory Review

Executive Orders 12866 ("Regulatory Planning and Review"), as amended by

Executive Order 14094 ("Modernizing Regulatory Review") and 13563 ("Improving Regulation and Regulatory Review") direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This proposed rule is designated as a significant regulatory action that is economically significant under section 3(f)(1) of Executive Order 12866. Accordingly, OMB has reviewed it. This Regulatory Impact Analysis (RIA) provides an assessment of the potential costs, benefits, and transfer payments resulting from the National Flood Insurance Program: Standard Flood Insurance Policy, Homeowner Flood Form under the criteria of Executive Orders 12866 and 13563.

FEMA proposes to amend the Standard Flood Insurance Policy (SFIP) at 44 CFR part 61, Appendix A. The existing Dwelling Form, found at 44 CFR part 61, Appendix A(1), and proposed Homeowner Flood Form (Appendix A(4)) are the subjects of this RIA. Specifically, the proposed Homeowner Flood Form would replace the current Dwelling Form for one-to-four family residences, excluding mobile homes, trailers, condominiums, and rental properties, which would continue to use the Dwelling Form. The Homeowner Flood Form would include language altering the availability and limits of flood insurance coverage in numerous ways. The most substantial of these are in the areas of coverage for basements, enclosures, secondary buildings that are not detached garages, and replacing Actual Cash Value (ACV) with Replacement Cost Value (RCV) as the valuation method for structural property and contents.

TABLE 2—SUMMARY OF THE IMPACTS OF THE PROPOSED RULE
[2019\$]

Category	Summary
Proposed Changes	Basement Endorsement: Allows homeowner policyholder to enhanced coverage, introducing choice regarding the level of coverage. Enclosures: Reference to flood zone and FIRM status would be removed, which would extend coverage restrictions currently applicable to post-FIRM buildings in SFHAs to all enclosures, regardless of FIRM status or location. Other Buildings: Expands the definition of “other buildings” beyond just detached garages to all other buildings at the insured property. Property Valuation Method: Formally defines “replacement cost value” and makes it the default method of property valuation for both structural property and contents, thereby replacing the “actual cash value” valuation method in most instances. Loss Mitigation: Covering Flood Damage Resistant Materials; adjusting the limits to imminent loss protection. Personal Property: Also referred to as “contents.” Availability of coverage changes in basements, enclosures, other buildings, other locations. Limits on certain items changed. Death of Homeowner Policyholder: Upon the death of the homeowner policyholder, automatically continues coverage provided under the policy for any other insured, or for a legal representative of the estate if another insured does not exist. Temporary Housing Expense Endorsement: Offers homeowner policyholders the option of purchasing additional coverage to receive compensation in the event they are displaced from their insured property due to flood. Other: All changes are addressed in the Marginal Analysis Table in Appendix A.
Affected Population	Property owners of one-to-four family residences within the over 22,500 communities participating in NFIP. A total of 2,806,642 distinct policies as of 2019.
Cost Savings	Qualitative cost savings by reductions in litigation costs, reductions of fraudulent claims, and time savings.
Costs (qualitative)	None.
Costs (quantitative)	Annualized implementation and familiarization costs of \$706,477 and \$651,896 discounted at 3 and 7 percent respectively.
Benefits (qualitative)	Premiums more reflective of actual risk. Environmental benefits from loss mitigation. Extending coverage beyond death of homeowner policyholder improves fairness and human dignity. Reduces the need for Federal disaster aid. More closely aligns with property insurance industry standards.
Benefits (quantitative) ..	None.
Transfers	Transfer payments between FEMA and the homeowner policyholder are generally through premiums, claims, and fees and overhead. FEMA estimates this rule would result in annualized transfer payments of \$253,321,497 and \$252,835,214 from homeowner policyholders to FEMA in the form of additional premiums, discounted at 3 percent and 7 percent respectively; \$166,221,455 and \$165,902,372 from FEMA to policy holders in the form of claims payments, discounted at 3 and 7 percent; and, \$87,100,042 and \$86,932,843 from homeowner policyholders to States, FEMA, and insurance companies in the form of fees and overhead, discounted at 3 and 7 percent respectively.

Need for Regulation

The National Flood Insurance Act of 1968 (NFIA) requires FEMA to provide by regulation the “general terms and conditions of insurability . . . applicable to properties eligible for flood insurance coverage.” 42 U.S.C. 4013(a). To comply with this requirement, FEMA adopts the Standard Flood Insurance Policy (SFIP) in regulation, which sets out the terms and conditions of insurance. See 44 CFR part 61, Appendix A. FEMA must use the SFIP for all flood insurance policies sold through the NFIP. See 44 CFR 61.13. The SFIP is a single-peril (flood) policy that pays for direct physical damage to insured property. There are currently three forms of the SFIP: the Dwelling Form, the General Property Form, and the Residential Condominium Building Association Policy (RCBAP) Form.

The current Dwelling Form is out of date and no longer aligned with insurance industry standards for homeowners of one-to-four family residences. It is difficult to understand

and cumbersome for policyholders and insurance agents alike.⁸⁵ Keeping the SFIP modern, unburdensome, and improving flexibility are key elements to cultivating and administering an effective flood insurance program. This enables FEMA to better meet the needs of the American people and close the insurance gap.⁸⁶ Revising the

⁸⁵ See, e.g., The Institutes’ Handbook of Insurance Policies, American Institute for Chartered Property Casualty Underwriters, 12th ed. (2018) (containing copies of modern property casualty forms). The Insurance Services Office’s template homeowners form (“HO-3” form) appears on page 5 and demonstrates the simplicity of this policy compared to the SFIP. The NFIP has a high volume of inquiries on the SFIP, further demonstrating the challenges in reading and interpreting the SFIP. Policy inquiries generally make up 43 percent of the total inquiries received by FEMA’s “Ask the Experts” tracking system between 2019 and May 2021.

⁸⁶ NFIP has experienced significant challenges because FEMA is tasked with two competing goals—keeping flood insurance affordable and keeping the program fiscally solvent. Emphasizing affordability has led to premium rates that in many cases do not reflect the full risk of loss and produce insufficient premiums to pay for claims. In turn, this has transferred some of the financial burden of flood risk from individual property owners to the

regulations is necessary to implement these changes to the SFIP for homeowners.

Affected Population

The population of affected homeowner policyholders would be property owners of one-to-four family residences who were previously covered by the Dwelling Form and would now be covered by the Homeowner Flood Form. As of 2019, there were 3,174,934 residential policies covered using the Dwelling Form. Of that number, FEMA estimates that 88.4%, or 2,806,642 policyholders, were property owners residing in the insured one-to-four family residence.⁸⁷ FEMA would

public at large. <https://files.gao.gov/reports/GAO-21-119SP/index.html> See “HIGH-RISK Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas,” found at <https://www.gao.gov/assets/gao-21-383t.pdf#:-:text=Dedicated%20agency%20leadership%20is%20essential%20to%20address%20the,have%20made%20to%20reduce%20the%20government%E2%80%99s%20high-risk%20challenges> (last accessed Aug. 28, 2023).

⁸⁷ FEMA used data from the NFIP’s PIVOT database to determine the number of policies that

continue to use the Dwelling Form to insure landlords, renters, and owners of mobile homes, travel trailers, and condominium units.

The population of affected Write Your Own (WYO) companies includes 61 companies as of 2019. Of the 61 companies, 2 had fewer than 10 policies, 15 companies had between 11 and 500 policies, 11 companies had between 501 and 5,000 policies, 22 companies had between 5,001 and 50,000 policies, 8 companies had between 50,001 and 250,000 policies, 2 companies had between 250,001 and 500,000 policies, and 1 company had 553,187 policies.

Baseline

Pursuant to OMB Circular A–4, FEMA assessed the impacts of this proposed rule against a baseline. The baseline used for this analysis is the “no action” baseline, or what the world would be like absent the proposed changes. The no action baseline is the scenario where no changes are made to the existing Dwelling Form and the projections over the next 10 years assuming the same climate conditions that exist today, and accounts for projected housing growth. It includes the value of claims payments and premiums estimated over the next 10 years if the current Dwelling Form

were to continue to be used for property owners of one-to-four family residences. FEMA recognizes that it cannot precisely predict or forecast future flood events over a 10-year period, given their unpredictable nature and therefore a future 10-year period of flood insurance claims could vary drastically from the 2010–2019 period analyzed; however, these are the best data available to derive the estimates.

Costs

The policy change would have implementation and familiarization costs. FEMA expects that States, WYOs, and, at the time of renewal, policyholders would spend time familiarizing themselves with this rule. In addition, FEMA anticipates adding additional training over three years for SFIP updates to the standard annual training package provided to insurers. The cost of the training is borne by FEMA who is responsible for developing the content. The annual training is one that insurance agents are required to attend each year, with the training content changing year to year but the number of training hours required remaining the same. Since the training hours required for insurers is not impacted by the rule, FEMA assumes companies would neither

expand the number of hours of training given to agents in response to the policy changes proposed here and training costs for agents would not be different from the baseline. The familiarization and training cost estimates have been adjusted for inflation using Consumer Price Index (CPI–U) data and reported in the table below in year 2019 dollars.⁸⁸ The familiarization cost and new training content is expected to total \$6.4 million, or \$705,963 and \$791,133 annualized using a 3 percent and 7 percent discount rate, respectively.

FEMA does not anticipate new costs for existing homeowner policyholders. At the time of renewal, existing homeowner policyholders would have the choice to engage their agent or not engage their agent. The policy defaults will provide similar coverage to what they currently receive if the homeowner policyholder chooses to do nothing. NFIP outreach, whether directly by FEMA or through the WYOs, would highlight the availability of choices and opportunities to customize coverage. However, agents could also quote new options at renewal time and give homeowner policyholders options there, akin to how agents currently may suggest additional coverage amounts when not currently insuring to statutory limits.

TABLE 3—ESTIMATED COSTS OVER A 10 YEAR PERIOD
[2019\$]

Year	FEMA training costs	State and WYO familiarization costs	Total costs	Discounted at 3%	Discounted at 7%
1	\$1,800,000	\$51,483	\$1,851,483	\$1,797,556	\$1,730,358
2	1,778,064	0	1,778,064	1,675,996	1,553,030
3	2,784,767	0	2,784,767	2,548,457	2,273,200
4	0	0	0	0	0
5	0	0	0	0	0
6	0	0	0	0	0
7	0	0	0	0	0
8	0	0	0	0	0
9	0	0	0	0	0
10	0	0	0	0	0
Total	6,362,831	51,483	6,414,315	6,026,394	5,556,588
Annualized .....	.....	.....	.....	705,963	791,133

Benefits

FEMA was unable to quantify the benefits of this proposed rule because data does not explicitly exist for the types of benefits that would be incurred. The benefits of this rule would include

a more accurate signaling of risk to homeowner policyholders through additional coverage choices and associated premium increases, thus incentivizing them to reduce their risks, environmental benefits of loss mitigation, reducing moral hazard,

qualitative benefits of extending coverage beyond the death of a homeowner policyholder, reducing the need for Federal assistance, and collaborating with industry stakeholders to create a policy that meets the needs of those involved.

would be affected by this proposed rule. PIVOT is a web-based system designed to help facilitate and consolidate in one system the NFIP's core business processes including, but not limited to: validation of insurance policies, claims, and data; complex modeling; website hosting (including

floodsmart.gov); claims administration; policy management; claims review; approvals; and status inquiries. FEMA's PIVOT database can be found at <https://www.dhs.gov/publication/dhsfemapia-050-national-flood-insurance-program-nfip-pivot-system> (last accessed Aug. 28, 2023).

⁸⁸ Historical Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, all items, index averages. Accessed November 2022. <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202106.pdf>.

The benefits of this rule would also include increasing fairness through clearer communication of flood risk, additional flexibility and choice for homeowner policyholders, and claims payments that cover a greater portion of loss. Additionally, this rule would allow claims payments when the original homeowner policyholder is deceased, causing less stress for surviving family members.

Transfers

The impacts the proposed rule would have on transfer payments are reflected in premiums and associated claims payments resulting from the proposed changes in coverage. As these changes to premiums and claims payments are monetary payments from homeowner

policyholders to FEMA or FEMA to homeowner policyholders that do not affect total resources available to society, these effects are not a cost but rather a transfer payment. The main areas of these proposed changes to coverage are in basements, enclosures, other buildings, and property valuation method. Several additional changes are less substantial but collectively impactful and also result in transfer payments.

The policy changes would generally result in additional coverage, and therefore higher expected claims payments for homeowner policyholders in aggregate. These higher expected claims payments would be matched by higher premiums. Premiums are

calculated by actuarial formulas which take into account the expected claims payments and the fees and overhead associated with administering flood insurance.⁸⁹ FEMA estimates this proposed rule would result in annualized transfer payments of \$253,321,497 and \$252,835,214 from policyholders to FEMA in the form of additional premiums, discounted at 3 percent and 7 percent respectively; \$166,221,455 and \$165,902,372 from FEMA to policyholders in the form of claims payments, discounted at 3 and 7 percent; and \$87,100,042 and \$86,932,843 from policyholders to States, FEMA, and insurance companies in the form of fees and overhead, discounted at 3 and 7 percent.

TABLE 4—ESTIMATED TRANSFER PAYMENTS OVER A 10-YEAR PERIOD
[2019\$]

Year	A. Premiums/transfers from policyholders to FEMA	B. Expected losses/ transfers from FEMA to policyholders	C. Fees and overhead/ transfers from policyholders to FEMA, insurance companies, and states
1	\$246,705,082	\$161,879,976	\$84,825,106
2	248,234,654	162,883,631	85,351,023
3	249,773,708	163,893,510	85,880,199
4	251,322,305	164,909,649	86,412,656
5	252,880,503	165,932,089	86,948,415
6	254,448,362	166,960,868	87,487,495
7	256,025,942	167,996,026	88,029,918
8	257,613,303	169,037,601	88,575,703
9	259,210,506	170,085,634	89,124,872
10	260,817,611	171,140,164	89,677,447
Total	2,537,031,979	1,664,719,146	872,312,832
Year	Premiums/transfers from policyholders to FEMA	3% Discount rate	7% Discount rate
1	\$246,705,082	\$239,519,497	\$230,565,497
2	248,234,654	233,984,969	216,817,761
3	249,773,708	228,578,326	203,889,748
4	251,322,305	223,296,613	191,732,583
5	252,880,503	218,136,943	180,300,304
6	254,448,362	213,096,497	169,549,687
7	256,025,942	208,172,520	159,440,089
8	257,613,303	203,362,320	149,933,288
9	259,210,506	198,663,269	140,993,341
10	260,817,611	194,072,797	132,586,448
Total	2,537,031,976	2,160,883,752	1,775,808,745
Annualized		253,321,497	252,835,214
Year	Expected losses/ transfers from FEMA to policyholders	3% Discount rate	7% Discount rate
1	\$161,879,976	\$157,165,025	\$151,289,697
2	162,883,631	153,533,444	142,268,872
3	163,893,510	149,985,779	133,785,924
4	164,909,649	146,520,087	125,808,782
5	165,932,089	143,134,478	118,307,286
6	166,960,868	139,827,098	111,253,076

⁸⁹ For additional context about potential policyholder costs, FEMA calculated hypothetical

insurance cost scenarios for homeowners with basements under the proposed endorsement

coverage option located in the RIA document Table 6.16 of this rule.

Year	Expected losses/ transfers from FEMA to policyholders	3% Discount rate	7% Discount rate
7	167,996,026	136,596,143	104,619,482
8	169,037,601	133,439,843	98,381,423
9	170,085,634	130,356,476	92,515,315
10	171,140,164	127,344,355	86,998,981
Total	1,664,719,148	1,417,902,728	1,165,228,838
Annualized .....	.....	166,221,455	165,902,372
Year	Fees and overhead/ transfers from policyholders to FEMA, insurance companies, and states	3% Discount rate	7% Discount rate
1	\$84,825,106	\$82,354,472	\$79,275,800
2	85,351,023	80,451,525	74,548,889
3	85,880,199	78,592,548	70,103,824
4	86,412,656	76,776,526	65,923,802
5	86,948,415	75,002,467	61,993,018
6	87,487,495	73,269,400	58,296,612
7	88,029,918	71,576,379	54,820,609
8	88,575,703	69,922,478	51,551,866
9	89,124,872	68,306,793	48,478,025
10	89,677,447	66,728,443	45,587,467
Total	872,312,834	742,981,029	610,579,911
Annualized .....	.....	87,100,042	86,932,843

TABLE 5—CIRCULAR A—4 ACCOUNTING STATEMENT, YEARS 1–10
[2019\$]

Category	3 Percent discount rate	7 Percent discount rate	Source
Benefits			
Annualized Monetized	N/A	N/A	RIA Section 8.
Annualized quantified, but unmonetized benefits	N/A	N/A	
Qualitative (unquantified) benefits	• Signaling of risk through premiums reflective of risk. • Environmental benefits from loss mitigation. • Social benefit of extending coverage beyond death of homeowner policyholder. • Reduces need for Federal assistance. • Collaborative with industry; unilaterally addresses needs. • Increased fairness through clearer communication of flood risk; additional flexibility and choices for homeowner policyholders, and increased claims payments		
Costs			
Total annualized costs	\$705,963	\$791,133	RIA Section 8.
Transfers			
Annualized Monetized from FEMA to policyholders for claims payments (claims payments).	166,221,455	165,902,372	RIA Section 8.
Annualized Monetized from policyholders to FEMA and Insurance Companies and States for the expected loss portion of premiums and the fees, taxes, and overhead portion of premiums (expected loss, fees and overhead).	253,321,497	252,835,215	RIA Section 8.
Category	Effects		Source
Effects on State, local, and/or Tribal governments	\$24,006 in year-1 familiarization costs for 56 States and Territories. \$4,827,686 in total additional annual tax revenue across all States and Territories due to higher premiums.		RIA Sections 5, 8.

Category	Effects	Source
Effects on small businesses	Additional revenue to 12 small WYO companies. Total annualized revenue: \$1,151,914 discounted at 3 percent and \$1,149,703 discounted at 7 percent. \$451 in year-1 familiarization costs.	Regulatory Flexibility Act Analysis (NPRM).
Effects on wages	None	N/A.
Effects on growth	None	N/A.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires agency review of proposed and final rules to assess their impact on small entities. When an agency promulgates a notice of proposed rulemaking under 5 U.S.C. 553, the agency must prepare an Initial Regulatory Flexibility Analysis (IRFA) unless it determines and certifies pursuant to 5 U.S.C. 605(b) that a rule, if promulgated, will not have a significant impact on a substantial number of small entities. FEMA believes this rule does not have a significant economic impact on a substantial number of small entities. In accordance with the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FEMA examined the effects of the proposed changes to the SFIP Homeowner Form on small entities. A small entity may be: A small independent business, defined as independently owned and operated, is organized for profit, and is not dominant in its field per the Small Business Act (5 U.S.C. 632); a small organization, defined as any not-for-profit enterprise which is independently owned and operated and is not dominant in its field (5 U.S.C. 601); or

a small governmental jurisdiction (locality with fewer than 50,000 people) per 5 U.S.C. 601.

This proposed rule would primarily impact individuals and households, which are not considered small entities under the RFA. However, it would impact WYO companies, some of which could be small entities. In 2019, there were 61 unique WYO companies. WYO companies serviced 83.6 percent of policies, while 16.4 percent were serviced directly by the NFIP. Of the 61 companies, 2 had fewer than 10 policies, 15 companies had between 11 and 500 policies, 11 companies had between 501 and 5,000 policies, 22 companies had between 5,001 and 50,000 policies, 8 companies had between 50,001 and 250,000 policies, 2 companies had between 250,001 and 500,000 policies, and 1 company had 553,187 policies. Most company names imply multiple lines of coverage (fire, casualty, auto, property, mutual). Of the 61 unique WYO companies,⁹⁰ 12 meet the SBA size standard for a small entity (less than \$16.5 million in revenue for Other Direct Insurance (except Life, Health, and Medical) Carriers, NAICS 524298),⁹¹ and 49 of them are large companies with greater than \$16.5 million in revenue. These 12 companies hold an estimated 1.4 percent of total flood insurance premiums, or 1.7

percent of premiums held by WYO companies.⁹²

FEMA estimates that the changes proposed through the Homeowner Flood Form would, on net, expand coverage. This expansion would lead to increased or higher claims payment in the aggregate. These higher claims payments would be matched by higher premiums. Premiums are calculated by actuarial formulas which take into account the expected claims payments and the fees and overhead associated with administering flood insurance.

In the RIA, FEMA estimated the fees and overhead as a percentage of expected losses (*i.e.*, claims payments): 52.4 percent.⁹³ Of that, 2.9 percentage points are for State premium taxes.⁹⁴ Accordingly, FEMA estimates that the fees and overhead expenses that would be paid to WYOs as a result of this rule are 49.5% of the estimated increase in claims payments.

FEMA estimated the impact of this proposed rule on small entities by multiplying the total percentage of premiums held by the 12 WYO companies (1.4 percent) by the total estimated increase in Fees and Overhead expenses paid to WYOs as a result of this proposed rule (*i.e.*, 49.5 percent of the estimated increase in claims payments).

TABLE 6—ADDITIONAL FEES AND OVERHEAD EXPENSES TO INSURANCE COMPANIES⁹⁵

Year	Increase in fees and overhead expenses for all insurance companies	Increase in fees and overhead for small companies	Increase for small companies (discounted 3%)	Increase for small companies (discounted 7%)
1	\$80,130,587	\$1,121,828	\$1,089,153	\$1,048,437
2	80,627,398	1,128,784	1,063,987	985,924
3	81,127,287	1,135,782	1,039,401	927,136
4	81,630,276	1,142,824	1,015,384	871,855
5	82,136,384	1,149,909	991,922	819,869
6	82,645,630	1,157,039	969,002	770,984
7	83,158,033	1,164,212	946,611	725,013
8	83,673,613	1,171,431	924,738	681,784

⁹⁰ The PIVOT database shows 61 WYOs with policies within scope of this analysis in 2019.

⁹¹ Small Business Administration Size Standards Matched to North American Industry Classification

System Codes, effective May 2, 2022, found at <https://www.sba.gov/document/support-table-size-standards> (last accessed Aug. 28, 2023).

⁹² Data retrieved from the PIVOT database.

⁹³ For more information about 52.4 percent, see Section 5.6 of the Regulatory Impact Analysis, located in the docket.

⁹⁴ See RIA Table 5.3: Premium Breakout.

TABLE 6—ADDITIONAL FEES AND OVERHEAD EXPENSES TO INSURANCE COMPANIES⁹⁵—Continued

Year	Increase in fees and overhead expenses for all insurance companies	Increase in fees and overhead for small companies	Increase for small companies (discounted 3%)	Increase for small companies (discounted 7%)
9	84,192,389	1,178,693	903,370	641,131
10	84,714,382	1,186,001	882,496	602,903
Total	824,035,979	11,536,503	9,826,064	8,075,036
Annualized .....	.....	.....	1,151,914	1,149,703

Applying the 1.4 percent share for small WYO companies, FEMA estimated an impact to small entities of \$1,151,914 of additional annualized revenue to the small WYO companies discounted at 3 percent or \$1,149,703 discounted at 7 percent. The 12 small WYOs had a total revenue of \$949,140,309 in 2019. Applying the annual increase in transfers for fees and overhead to these WYOs, FEMA estimated an increase of 0.12 percent in payments to WYOs due to the proposed changes to the SFIP Homeowner Form. Because these payments are included in the premiums paid by policyholders to the WYOs to cover the cost of providing insurance, FEMA estimates no net impact to WYOs as a result of the proposed changes. As previously stated, the policyholders are not considered small entities under the RFA. Additionally, FEMA estimated a one-time familiarization cost of \$451 per company to read and understand the changes from this proposed rule.⁹⁶

FEMA believes that this proposed rule would not place these small entities at a significant competitive disadvantage, cause inefficiency, or lead to insolvency. All companies participating in the WYO program would be similarly affected by this proposed rule. Additionally, WYO companies are compensated for their participation in the program. WYOs may also choose to exit the program and transfer their book of business citing terms and conditions in the WYO Arrangement.

Pursuant to 5 U.S.C. 605(b), FEMA certifies this proposed regulation would not have a significant economic impact on a substantial number of small entities. FEMA invites comments on the impact this rule would have on small entities.

C. Unfunded Mandates Reform Act of 1995

Pursuant to section 201 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1531), each Federal agency “shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).” Section 202 of the Act (2 U.S.C. 1532) further requires that “before promulgating any general notice of proposed rulemaking that is likely to result in the promulgation of any rule that includes any Federal mandate that may result in expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement” detailing the effect on State, local, and Tribal governments and the private sector. The proposed rule would not result in such an expenditure, and thus preparation of such a statement is not required.

D. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA), as amended, 44 U.S.C. 3501–3520, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the agency obtains approval from the Office of Management and Budget (OMB) for the collection and the collection displays a valid OMB control number. *See* 44 U.S.C. 3506, 3507. This proposed rulemaking would call for no new collections of information under the PRA. This proposed rule includes information currently collected by FEMA and approved in OMB information collection 1660–0006 (National Flood Insurance Policy Forms). With respect to this collection, this proposed

rulemaking would not impose any additional burden and would not require a change to the forms, the substance of the forms, or the number of recipients who would submit the forms to FEMA.

E. Privacy Act/E-Government Act

Under the Privacy Act of 1974, 5 U.S.C. 552a, an agency must determine whether implementation of a proposed regulation will result in a system of records. A “record” is any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his/her education, financial transactions, medical history, and criminal or employment history and that contains his/her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. *See* 5 U.S.C. 552a(a)(4). A “system of records” is a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbols, or other identifying particular assigned to the individual. An agency cannot disclose any record that is contained in a system of records except by following specific procedures. The E-Government Act of 2002, 44 U.S.C. 3501 note, also requires specific procedures when an agency takes action to develop or procure information technology that collects, maintains, or disseminates information that is in an identifiable form. This Act also applies when an agency initiates a new collection of information that will be collected, maintained, or disseminated using information technology if it includes any information in an identifiable form permitting the physical or online contacting of a specific individual.

In accordance with DHS policy, FEMA has completed a Privacy Threshold Analysis (PTA) for this proposed rule. DHS/FEMA has determined that this proposed

⁹⁵ See RIA Table 8.5: 10-year Transfers Discounted at 3 and 7 percent.

⁹⁶ See RIA section 8.3.2.

rulemaking does not affect the 1660–0006 OMB Control Number's current compliance with the E-Government Act of 2002 or the Privacy Act of 1974, as amended. DHS/FEMA has concluded that the 1660–0006 OMB Control Number is already covered by the following Privacy Impact Assessments (PIA): DHS/FEMA/PIA–050 National Flood Insurance Program PIVOT System—March 2018. Additionally, DHS/FEMA has decided that the 1660–0006 OMB Control Number is already covered by the DHS/FEMA–003 National Flood Insurance Program Files, 79 FR 28747, May 19, 2014, System of Records Notice (SORN).

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

Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” 65 FR 67249, November 9, 2000, applies to agency regulations that have Tribal implications, that is, regulations that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Under this Executive Order, to the extent practicable and permitted by law, no agency shall promulgate any regulation that has Tribal implications, that imposes substantial direct compliance costs on Indian Tribal governments, and that is not required by statute, unless funds necessary to pay the direct costs incurred by the Indian Tribal government or the Tribe in complying with the regulation are provided by the Federal Government, or the agency consults with Tribal officials.

FEMA has reviewed this proposed rule under Executive Order 13175 and has determined that it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

G. Executive Order 13132, Federalism

Executive Order 13132, “Federalism,” 64 FR 43255, August 10, 1999, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Federal

agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

FEMA has determined that this proposed rule 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, and therefore does not have federalism implications as defined by the Executive Order.

H. National Environmental Policy Act of 1969 (NEPA)

Under the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.*, an agency must consider impacts of its actions on the environment and prepare an environmental assessment or environmental impact statement for any rulemaking that has potential to significantly affect the quality of the human environment. A categorical exclusion (CATEX) is a form of NEPA compliance that applies to actions that do not need to undergo detailed environmental analysis because it has been determined through experience that they typically do not have a significant impact on the human environment. An agency may apply a CATEX if the project fits within the identified criteria of the CATEX.

Rulemaking is a major Federal action subject to NEPA. CATEX M1(d) included in the list of exclusion categories in the Department of Homeland Security Instruction Manual 023–01–001–01, Revision 01, Implementation of the National Environmental Policy Act, Appendix A, issued November 6, 2014, covers activities in support of FEMA's administration of the National Flood Insurance Program, including revisions to the Standard Flood Insurance Policy. This proposed rule for the NFIP meets CATEX M1(d) and does not require further analysis under NEPA.

I. Executive Order 11988 Floodplain Management

Pursuant to Executive Order 11988, “Floodplain Management,” 42 FR 26951 (May 24, 1977), each agency must provide leadership and take action to reduce the risk of flood loss; to minimize the impact of floods on human safety, health, and welfare; and to restore and preserve the natural and beneficial values served by floodplains in carrying out the agency's

responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. In carrying out these responsibilities, each agency must evaluate the potential effects of any actions it may take in a floodplain; ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and prescribe procedures to implement the policies and requirements of the Executive Order.

Before promulgating any regulation, an agency must determine whether the proposed regulations will affect a floodplain(s), and if so, the agency must consider alternatives to avoid adverse effects and incompatible development in the floodplain(s). If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in Executive Order 11988 is to promulgate a regulation that affects a floodplain(s), the agency must, prior to promulgating the regulation, design or modify the regulation in order to minimize potential harm to or within the floodplain, consistent with the agency's floodplain management regulations. It must also prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

The purpose of this proposed rule is to revise the SFIP by adding a new Homeowner Flood Form, which would replace the current Dwelling Form as a source of coverage for one-to-four family residences and provide increased options and coverage. In accordance with 44 CFR part 9, “Floodplain Management and Protection of Wetlands,” FEMA determines that the changes proposed in this rule would not have an effect on floodplains.

J. Executive Order 11990 Protection of Wetlands

Executive Order 11990, “Protection of Wetlands,” 42 FR 26961 (May 24, 1977) sets forth that each agency must provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities. These responsibilities include (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken,

financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. Each agency, to the extent permitted by law, must avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding, the head of the agency may take into account economic, environmental and other pertinent factors.

In carrying out the activities described in Executive Order 11990, each agency must consider factors relevant to a proposal's effect on the survival and quality of the wetlands. These include public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; sediment and erosion; maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources. They also include other uses of wetlands in the public interest, including recreational, scientific, and cultural uses. The purpose of this proposed rule is to revise the SFIP by adding a new Homeowner Flood Form, which would replace the current Dwelling Form as a source of coverage for one-to-four family residences and provide increased options and coverage. In accordance with 44 CFR part 9, "Floodplain Management and Protection of Wetlands," FEMA determines that the changes proposed in this rule would not have an effect on wetlands.

K. Executive Order 12898 and 14096 Environmental Justice

Under Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 59 FR 7629 (Feb. 16, 1994), as amended by Executive Order 12948, 60 FR 6381, (Feb. 1, 1995), FEMA incorporates environmental justice into its policies and programs. The Executive Order requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that those programs, policies, and activities do not

have the effect of excluding persons from participation in programs, denying persons the benefits of programs, or subjecting persons to discrimination because of race, color, or national origin. Further, Executive Order 14096, "Revitalizing Our Nation's Commitment to Environmental Justice for All," 88 FR 25251 (Apr. 26, 2023), charges Federal agencies to make achieving environmental justice part of their missions, consistent with statutory authority, by identifying, analyzing, and addressing the disproportionate and adverse human health and environmental effects and hazards of Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns.

This rulemaking would not have a disproportionately high or adverse effect on human health or the environment, nor would it exclude persons from participation in FEMA programs, deny persons the benefits of FEMA programs, or subject persons to discrimination because of race, color, or national origin.

L. Congressional Review of Agency Rulemaking

Before a rule can take effect, the Congressional Review of Agency Rulemaking Act (CRA), 5 U.S.C. 801–808, requires the Federal agency promulgating the rule to submit to Congress and to the Government Accountability Office (GAO) a copy of the rule, a concise general statement relating to the rule, including whether it is a major rule, and other information.

A "major" rule is one that has an annual effect on the economy of \$100,000,000 or more; results in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or has significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Pursuant to the CRA, the Office of Information and Regulatory Affairs has designated this rule as "major" within the meaning of the CRA as defined by 5 U.S.C. 804(2), as the annual effect on the economy will be over \$100,000,000. As such, FEMA will send this rule to the Congress and to GAO pursuant to the CRA at least 60 days before the effective date of any final rule.

List of Subjects in 44 CFR 61

Flood insurance, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, FEMA proposes to amend 44 CFR part 61 as follows:

PART 61—INSURANCE COVERAGE AND RATES

- 1. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; 6 U.S.C. 101 *et seq.*

- 2. Revise § 61.2 to read as follows:

§ 61.2 Definitions

The definitions set forth in part 59 of this subchapter apply to this part, including the appendices. If an appendix defines a term differently, that definition controls for the purposes of that appendix.

- 3. Amend § 61.13 by revising paragraph (a) to read as follows:

§ 61.13 Standard Flood Insurance Policy

(a) *Incorporation of forms.* Each of the Standard Flood Insurance Policy forms included in appendix "A" hereto and by reference incorporated herein shall be incorporated into the Standard Flood Insurance Policy.

* * * * *

- 4. Add Appendix A(4) to Part 61 to read as follows:

Appendix A(4) to Part 61

**Federal Emergency Management Agency,
Federal Insurance and Mitigation
Administration, Standard Flood Insurance
Policy**

Homeowner Flood Form

Please read this policy carefully. The flood insurance provided under this policy is subject to limitations, conditions, and exclusions. This policy insures only one dwelling that is specified on the declarations page.

Section I: Insuring Agreement

A. *Governing Law.* The Federal Emergency Management Agency ("FEMA") provides this flood insurance *policy* under the terms of the National Flood Insurance Act of 1968, as amended ("Act"), and title 44 of the Code of Federal Regulations. The *Act*, applicable regulations, and federal common law exclusively govern this *policy* and all disputes involving this *policy*.

B. *Conflict With Federal Law.* This *policy* does not insure any real or personal property that is not eligible for flood insurance pursuant to federal law.

C. *Agreement.* We will pay you for *direct physical loss by or from flood* to your insured property up to the limits stated on the *declarations page* if you:

1. Paid the full amount due (including applicable premiums, surcharges, and fees);

2. Complied with all terms and conditions of this *policy*; and

3. Furnished complete and accurate information and statements to us.

D. *Policy Term*. This *policy* will expire at 12:01 a.m. on the last day of the policy term stated on the *declarations page*.

E. *Liberalization*. If we make a change that broadens coverage under this edition of our *policy* and that does not require an additional premium charge, that change will automatically apply to your insurance as of the date we implement the change, provided that this implementation date falls within 60 calendar days prior to or during the policy term stated in the *declarations page*.

F. *Our Right of Review*. We may at any time review the information you give us and request additional information from you. We may revise your *policy* based on such review or additional information, including revising the amounts due from you.

Section II: Definitions

A. *Use of Pronouns*. In this *policy*:

1. “You” and “your” refer to the insured(s) shown on the *declarations page* of this *policy*.

2. “We,” “us,” and “our” refer to the insurer providing coverage under this *policy*.

B. *Flood*. In this *policy*, *flood* means:

1. A general and temporary condition of partial or complete inundation of normally dry land from any of the following:

- a. Overflow of inland or tidal waters;
- b. Unusual and rapid accumulation or runoff of surface waters from any source;
- c. Mudflow, which is a river of liquid and flowing mud on the surface of normally dry land, as when earth is carried by a current of water; or
- d. Sudden erosion or undermining of land along the shore of a lake or similar body of water caused by waves or currents of water exceeding anticipated cyclical levels that causes collapse or subsidence of land resulting in a *flood*.

C. *Buildings*. In this *policy*, the following definitions apply:

1. *Building*. A structure, the construction of which has been completed, that has a fully secured roof and solid, vertical, load-bearing walls, and is affixed to a permanent site.

2. *Basement*. Any area of a *building* having its floor level below ground level on all sides, regardless of design or use.

a. An area of a *building* is below ground level when the land touching the exterior of the *building* is above its floor level.

b. An area of a *building* is presumed to be below ground level when it is necessary to walk up steps or a slope to reach the land surrounding the *building*. A professional land survey or report may rebut this presumption.

3. *Enclosure*. An area that exists below the *dwelling* and is used in accordance with local floodplain management ordinances or law for the parking of vehicles, building access, or storage. The *enclosure* is shown on the *declarations page*.

D. *Other Defined Terms*.

1. *Act*. The National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*).

2. *Actual Cash Value*. The cost to replace an insured item of property at the time of

loss, less depreciation based on its age and condition.

3. *Administrator*. The Administrator of the Federal Emergency Management Agency or designee.

4. *Claim*. Your assertion that you are entitled to payment for a covered loss under the terms and conditions of this *policy*. There is only one *claim* per flood event.

5. *Declarations Page*. A document we provide to you based on information that you provided to us that summarizes the coverage limit(s), premium, insured(s), and other information about your *policy*. The *declarations page* is a part of this *policy*.

6. *Described Location*. The location of the insured *building*. The *described location* is shown on the *declarations page*.

7. *Direct Physical Loss By or From Flood*. Actual physical loss or damage to the insured property directly caused by a *flood*.

8. *Dwelling*. A *building* in use as a one-to-four family residence. A *dwelling* is not a mobile home, travel trailer, or a condominium unit.

9. *Flood Damage Resistant Materials*. Building materials identified by the Administrator as resistant to *flood* damage.

10. *Insured(s)*. Includes you and:

- a. any additional persons identified on the *declarations page*;
- b. any mortgagee or loss payee named in your application for insurance, as well as any other mortgagee or loss payee determined to exist at the time of loss; and
- c. your spouse, if a resident of the same household.

11. *Machinery and Equipment*. *Machinery and equipment* includes, only when contained within a *building* at the *described location*, functional electrical, plumbing, heating, cooling, and safety elements necessary for the operation of a *building*, and elevators. Outside of a *building*, *machinery and equipment* only includes the condenser unit for a central air conditioning system, heat pump unit for heating and air conditioning systems, solar panels, and permanently installed whole house standby generators when such units are connected to and servicing a *building* at the *described location*.

12. *National Flood Insurance Program (NFIP)*. The program of flood insurance coverage and floodplain management administered under the *Act*.

13. *Policy*. The entire written contract between you and us. It includes:

- a. this Homeowner Flood Form;
- b. the completed application for insurance;
- c. the *declarations page*;
- d. any endorsement(s) issued to you by us; and
- e. any addenda attached to this form by us at the time of application or renewal.

14. *Proof of Loss*. The *proof of loss* is a signed and sworn statement by you containing documentary evidence in support of your loss and the amount you are claiming.

15. *Replacement Cost Value*. The necessary cost, without deduction of depreciation, to repair or replace an item of property at the time of loss with an item of like kind and quality.

Section III: What We Cover

A. Coverage A—Dwelling

1. We insure up to the coverage limit on the *declarations page* at the *described location* against *direct physical loss by or from flood* to:

- a. The *dwelling*.
- b. Materials and supplies to be used for construction, alteration, or repair of the *dwelling* or any other *building(s)* scheduled under Coverage B at the *described location*. The materials and supplies must be stored in a *building* at the time of loss.

2. *Limited Coverage for Basements and Enclosures*. We only cover *direct physical loss by or from flood* to the interior of all basements and enclosures as follows:

- a. *Machinery and equipment* installed and, if necessary for operation, connected to a power source.
- b. Footings, foundations, posts, pilings, piers, or other foundation walls and anchorage systems required to support a *dwelling*.

c. Stairways and staircases directly attached to the *dwelling*.

d. Unfinished drywall and nonflammable insulation.

3. *Dwelling Limitations*.

a. Limitations on mold and mildew. We cover damage to the *dwelling* due to mold or mildew caused by a *flood* only when it is not within your control to inspect and maintain the property after a *flood* recedes.

b. Limitations on power, heating, or cooling failure. We cover damage caused by a power, heating, or cooling failure that is the result of *direct physical loss by or from flood* to covered power, heating, or cooling equipment at the *described location*.

c. Limitations on *flood* in the area. We cover damage to the *dwelling* when there is a *flood* in the area and the *flood* causes:

(1) water or waterborne material to back up through sewers or drains; to discharge or overflow from a sump, sump pump, or related equipment; or to seep or leak on or through the *dwelling*; or

(2) losses to the *dwelling* by or from the pressure or weight of standing or resting water on or below the surface of the land.

d. Limitations on pollutants. We pay for the testing or monitoring of pollutants after a *flood* only when required by law or ordinance. “Pollutants” refers to any substances that include, but are not limited to, any solid, liquid, gaseous, or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste. “Waste” includes, but is not limited to, materials to be recycled, reconditioned, or reclaimed.

4. This *policy* does not cover:

a. Loss of use of the *described location* including any living expenses incurred while the *dwelling* is inaccessible, being repaired, or is uninhabitable for any reason;

b. Land and land values;

c. Lawns, trees, shrubs, plants, growing crops, and landscaping;

d. Any open structures, including but not limited to a building used as a boathouse, when located entirely in, on, or over water.

e. *Buildings* constructed or substantially improved after September 30, 1982, when (1)

they are located entirely in, on, or over water or (2) if they are seaward of mean high tide;

f. Underground structures and equipment that are not located within the *dwelling*, such as wells, septic, sewer, plumbing supply, waste lines, gas supply lines, and electrical and HVAC system components;

g. Those portions of walks, walkways, decks, driveways, patios, and other surfaces, all whether protected by a roof or not, located outside the perimeter, exterior walls of the insured *building*;

h. Containers and related equipment, such as tanks containing gases or liquids;

i. Fences, retaining walls, seawalls, bulkheads, wharves, piers, bridges, and docks; and

j. Hot tubs and spas that are not bathroom fixtures, and swimming pools, and their equipment, such as heaters, filters, pumps, and pipes, wherever located.

B. Coverage B—Other Buildings

1. We apply the terms of Coverage A to other *buildings* at the *described location* except as modified in III.B.2.

a. For this Coverage B to apply, the other *buildings* must appear on the *declarations page*.

b. Use of this coverage is at your option, but reduces the *dwelling* coverage limit provided under Coverage A. The maximum available coverage limit for other *buildings* is 10% of Coverage A limits, regardless of how many *buildings* are scheduled on the *declarations page*.

2. We do not cover:

a. Anything already excluded under the terms of Coverage A.

b. *Basements* or *enclosures* for any *building* that is not the *dwelling*.

c. Any *building* used or held for use for commercial purposes, such as agricultural and business use.

d. Any *building(s)* at the *described location* that is not owned by the *insured*, such as a *building* owned by a homeowners association.

C. Coverage C—Personal Property

1. We insure up to the coverage limit stated on the *declarations page* against *direct physical loss by or from flood* to personal property inside a *building* at the *described location* when:

a. The property is owned by you or your household family members; or

b. The property is at the *described location* and is owned by non-paying guests or laborers.

2. We insure your personal property against *direct physical loss by or from flood* anywhere in the United States as follows:

a. We will pay no more than 10% of Coverage C limits for:

(1) Personal property located in a *building* at a location other than the *described location*; or

(2) Personal property located in a storage facility *building*.

b. The 10% coverage limit in III.C.2.a. will not apply if you have moved the personal property to a *building* reasonably safe from *flood* and not in a *basement* or *enclosure* due to:

(1) A general and temporary condition of flooding in the area near the *described*

location, even if the *flood* does not reach the *described location*;

(2) An evacuation order or other civil order from an authorized local official; or

(3) Repairs, renovations, or reconstruction or other conditions that make the *described location* uninhabitable or unsuitable for the storage of property.

3. Personal Property Limitations.

a. Limitations on Property in a *Basement* or in an *Enclosure*. In a *basement* or an *enclosure*, this *policy* will only cover appliances installed in their functioning locations and, if necessary for operation, connected to a power source.

b. Limitations on Property in a *Building* Without Walls on All Sides. This *policy* will only cover personal property in any portion of a building that is not fully enclosed when it is secured to prevent flotation out of the building.

4. Special Limits. We will pay no more than the coverage sublimit specified on the *declarations page* for any *claim* to one or more of the following kinds of personal property:

a. Artwork, photographs, collectibles, or memorabilia, including but not limited to, porcelain or other figures, and sports cards;

b. Rare books or autographed items;

c. Jewelry, watches, precious and semiprecious stones, or articles of gold, silver, or platinum;

d. Furs or any article containing fur for which the fur represents its principal value;

e. Portable electronic devices, including cell phones, smart phones, video game devices, electronic tablets, and laptop computers; or

f. Personal property primarily used for any commercial purposes.

g. No more than 10% of the special limit shown on the *declarations page* may be applied to valued paper, metals, or other similarly valued objects such as accounts, bills, coins, currency, deeds, evidences of debt, medals, money, scrip, stored value cards, postage stamps, securities, bullion, or manuscripts.

5. We will only pay for the functional value of antiques.

6. We do not cover:

a. Anything already excluded under Coverages A and B;

b. Loss of use of any personal property at the *described location*;

c. Personal property not inside a *building*;

d. Items of personal property in a *basement* or an *enclosure*, except as stated in III.C.3;

e. Personal property in a *building* constructed or substantially improved after September 30, 1982 when the *building* is (1) located entirely in, on, or over water or (2) seaward of mean high tide;

f. Personal property located in an open structure located in, on, or over water;

g. Losses to items stored in a digital or other intangible format, whether created, owned, licensed, or otherwise in your possession;

h. Items held in violation of state or federal law;

i. Living things; and

j. Any self-propelled vehicle or machine capable of transporting a person(s) or cargo, by land, water, or by air, including any of its

equipment and parts. However, this limitation does not apply to personal property inside a *building* at the *described location* that is not registered for use on public roads, and:

(1) Used solely to service the *described location*; or

(2) Designed and used to assist people with disabilities.

D. Coverage D—Other Coverages

1. Debris Removal

a. Covered Debris.

(1) We will pay the labor and expense to remove:

(a) debris from anywhere that comes onto or into the insured *dwelling* or other insured *buildings* at the *described location*; and

(b) debris of insured property anywhere.

(2) If you or a member of your household perform the debris removal work, we will pay you for the value of this work using the federal minimum wage. This coverage does not increase any coverage limit stated on the *declarations page*.

b. Debris Not Covered. This *policy* does not cover the cost to remove:

(1) debris from other locations on the land surrounding the *dwelling* or other *building(s)* at the *described location*, or

(2) any non-covered items of property from the *dwelling* or *building(s)*, even if the removal facilitates covered cleanup or repairs.

2. Loss Prevention

a. Materials and Labor. We will pay up to the coverage sublimit specified on the *declarations page* for the expenses you incur to protect your insured property from a *flood* or imminent danger of *flood*. Such expenses are limited to the following:

(1) Your reasonable expenses to buy materials reasonably understood to be, or commonly used as, temporary measures to avoid or reduce the harm from an imminent *flood*, including sandbags, fill for temporary levees, and pumps; and

(2) The value of work, at the federal minimum wage, that you or a member of your household perform to protect your property.

b. This coverage for materials and labor only applies if:

(1) Damage to the insured property by or from *flood* is imminent; and

(2) The threat of *flood* damage is apparent enough to lead a reasonably prudent person to anticipate *flood* damage.

(3) In addition, one of the following must occur:

(i) A general and temporary condition of flooding in the area near the *described location* must occur, even if the *flood* does not reach the *building*; or

(ii) A legally authorized official has issued an evacuation order or other civil order for the community in which your insured property is located calling for measures to preserve life and property from the peril of *flood*.

3. Property Removed to Safety. We will pay up to the coverage sublimit specified on the *declarations page* for the reasonable expenses you incur to move insured property to a secure location other than the *described location* to protect it from *flood* or the imminent danger of *flood*. Reasonable

expenses include the value of work, at the federal minimum wage, performed by you or a member of your household.

4. This coverage does not increase the Coverage A, Coverage B, or Coverage C limits.

Section IV: Exclusions

A. *Excluded Losses.* We do not pay you for damage from:

1. Other perils;
2. Economic losses, even if caused by *flood*, whether direct or indirect, including losses from a disruption of business, or complying with any ordinance or law.
3. Earth movement, even if the earth movement is caused by *flood*, as follows:
 - a. Earth movement includes:
 - (1) Earthquake;
 - (2) Landslide;
 - (3) Subsidence;
 - (4) Sinkholes;
 - (5) Destabilization; or
 - (6) Any other movement such as sinking, rising, shifting, expanding, or contracting of the earth.
 - b. This earth movement coverage exclusion does not include:
 - (1) Hydrostatic pressure or hydrodynamic forces;
 - (2) Buoyancy; or
 - (3) Frictional force from floodwater moving along the surface of the ground.
 - (4) Gradual erosion caused by the normal water action that wears an area of land away over time.
5. Other excluded causes of damage. We do not insure for damage caused directly or indirectly by any of the following:
 - a. The pressure, weight, freezing, or thawing of ice;
 - b. Rain, snow, sleet, hail, or water spray;
 - c. The exposure to water of any form other than *flood*, including failure, stoppage, or breakage of water or sewer lines, drains, pumps, fixtures, or equipment;
 - d. Design, structural, or mechanical defect(s); deterioration, rot, or corrosion; or insect or rodent infestation; and
 - e. Anything you or any member of your household does or conspire(s) to do to deliberately cause *direct physical loss by or from flood*.
6. Increase in hazard. We will not cover any loss that occurs due to any hazard that is increased by you, by any means within your control, or with your knowledge.

B. *Flood in Progress.*

1. A *flood* is in progress when one of the following is true:

- a. There is a near certainty of a *flood* loss at the *described location* from a flood control effort such as:
 - (1) Opening of a spillway,
 - (2) Breaching of a levee, or
 - (3) Releasing of water from a dam.
- b. There is a *flood* at the *described location*.

2. Loan closing. If this *policy* became effective in connection with a loan closing, we will not pay for a loss caused by a *flood* in progress at the time of loan closing.

3. No loan closing. In all other circumstances, we will not pay for a loss caused by a *flood* in progress that existed on or before the day you submitted the application for coverage under this *policy*.

C. *Pre-existing Damage.* We do not pay you for pre-existing damage. Pre-existing damage includes:

1. *Flood* loss or damage that occurred prior to the date of the loss, whether direct physical loss or not, and whether paid or unpaid on a prior event; and
2. Damage attributable to any non-*flood* peril that occurred prior to the date of loss.

Section V: Policy Conditions

A. *Actions and Conditions That Can Void Your Policy.*

1. NFIP Ineligibility. This *policy* is void from its inception and has no legal force if:
 - a. The *described location* is in a community that was not participating in the NFIP on the *policy's* inception date and did not join or reenter the NFIP during the *policy* term and before the loss occurred;
 - b. The *described location* or other property is otherwise not eligible for coverage under the *Act* or regulations of the NFIP, for reasons of noncompliance with local floodplain ordinances or otherwise; or
 - c. Any other federal law prevents coverage of property at the *described location*.
2. Concealment or Fraud. With respect to all *insureds* under this *policy*,
 - a. This *policy* is void and has no legal force or effect, and cannot be renewed, if before or after a loss, you or any other *insured* or your agent have at any time:
 - (1) Intentionally concealed or misrepresented any material fact or circumstance;
 - (2) Engaged in fraudulent conduct relating to this *policy*; or
 - (3) Knowingly made false statements relating to this *policy* or any other NFIP insurance when applying for coverage, when making a *claim*, or at any other time.
 - b. This *policy* will be void as of the date acts described in V.A.2.a. were committed.

B. *Policy Renewal.*

1. We must receive the renewal premium from you within 30 calendar days of the expiration date of your prior *policy* term.
2. We will not renew this *policy* if federal law prevents coverage of property at the *described location*.

C. *Cancellation of the Policy by You.*

1. You may cancel this *policy* when:
 - a. You no longer have an insurable interest in the subject property;
 - b. You are no longer required to maintain a flood insurance policy pursuant to federal law or lender requirements; or
 - c. You have a duplicate NFIP *policy*.
2. If you cancel this *policy*, you may be entitled to a full or partial refund of premium for the current *policy* term under the applicable rules and regulations of the NFIP.

D. *Reduction and Reformation of Coverage.*

1. If the premium we receive from you is not enough to purchase the amount(s) of insurance you requested, we will issue the *policy*, but only for the amount of coverage that the premium will purchase for a one-year term.
2. We will increase the reduced amount of coverage described in V.D.1 to the amount you originally requested without regard to whether a loss occurred, provided that:
 - a. We will bill you for the additional premium or, if necessary to calculate the

additional premium, request information from you.

- b. You respond to our request for:
 - (1) Additional premium within 30 calendar days of the date of our bill; or
 - (2) Additional information within 60 calendar days of the date of our request.

c. Failure to timely respond may result in a waiting period for additional coverage if a loss has not occurred within the *policy* term, or the settlement of a *claim* under reduced *policy* limits if a loss has occurred within the *policy* term.

E. *Disaster Conditions.* In the event of a *flood* associated with a major disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the *Administrator* may, after written notice:

1. Extend the stated timeframes in the following sections below:
 - a. Proof of Loss, VI.A.3, and VI.A.7, for a period not to exceed 365 calendar days from the date of loss; and
 - b. Policy Renewal, V.B.1, for a period not to exceed 60 calendar days from the expiration date.
2. Conditionally waive the requirement in VI.A.3 and VI.B.2 that an *insured* must sign or swear to a *proof of loss* or an adjuster's report.
3. In accordance with VI.C.3, establish special procedures for advance payments to *insured(s)*.
4. Settle losses in accordance with any formula established under federal law that allocates covered damages amongst multiple perils, including *flood*.

Section VI: Procedures and Duties When a Loss Occurs

A. *Your Duties After a Loss.* If the *described location* experiences a *direct physical loss by or from flood*, you must comply with all of the following duties:

1. Give prompt notice to us;
2. As soon as possible, separate the damaged and undamaged property so that we may examine it. You must also take all reasonable measures to protect covered property from any further loss;
3. Within 90 calendar days after the loss, send us a *proof of loss*, signed and sworn to by you, furnishing us with the following information:
 - a. The date and time of loss;
 - b. A brief explanation of how the loss happened;
 - c. Details of any other insurance that may cover some or all of the loss;
 - d. Changes in title or occupancy of the covered property during the term of the *policy*;
 - e. Names of mortgagees or anyone else having a lien, charge, or *claim* against the covered property;
 - f. A description of all damages to your *dwelling* and other covered *buildings* and detailed repair estimates (if estimates are available); and
 - g. An inventory of the lost, damaged or destroyed property showing the
 - (1) Quantity;
 - (2) Description;
 - (3) *Replacement Cost Value* or *Actual Cash Value* (whichever is applicable);

(4) Amount of loss;
 (5) Evidence that prior *flood* damage has been repaired;
 (6) Any written plans and specifications for repair of the damaged property that you can reasonably make available to us; and
 (7) All funds actually spent by you recovering from the loss. You must attach to the inventory copies of all bills, receipts, invoices, written estimates, and related documents.

4. In completing the *proof of loss*, you must use your own judgment concerning the amount of loss, justify that amount, and sign the *proof of loss*.

5. You must cooperate with our adjuster and other representative(s) in the investigation of your *claim*.

6. You must make the damaged property accessible for inspection.

7. The insurance adjuster we hire to investigate your *claim* may furnish you with a *proof of loss* form and may help you complete it. However, this help is a matter of courtesy only and you must still send us a *proof of loss* within 90 calendar days after the loss even if the adjuster does not furnish the form or help you complete it.

B. Our Options After a Loss. After a loss and at our sole discretion, we may exercise the following options:

1. At such reasonable times and places that we may designate:

a. You must provide us access to the damaged property;

b. If we request, you must submit to examination under oath, while not in the presence of another *insured*, and sign the transcript from such examination; and

c. Permit us to examine and make copies of all or any relevant portion of:

(1) Any policies of property insurance insuring you against loss and the deed establishing your ownership of the insured real property; and

(2) All bills, invoices, receipts and other records pertaining to the damaged property, or certified copies if the originals are lost.

2. At our option, we may accept our adjuster's report of the loss in lieu of a *proof of loss*. You must sign the adjuster's report. At our option, we may also require you to swear to the report.

C. Loss Payment.

1. Adjustment of *Claims*.

a. We have not authorized the adjuster to approve or disapprove any *claim*.

b. We will adjust all losses with you. We will pay you unless some other person or entity is named in the *policy* or is legally entitled to receive payment. Loss will be payable 60 calendar days after we receive your *proof of loss*, or within 90 calendar days after the insurance adjuster files the adjuster's report signed and, if required by us, sworn to by you in lieu of a *proof of loss*, and:

(1) We reach an agreement with you;

(2) There is an entry of a final judgment; or

(3) There is a filing of an appraisal award with us, as provided in VI.F. of this *policy*.

2. If we reject your *proof of loss* in whole or in part, you may:

a. Accept our denial of your *claim*;

b. File an amended proof of loss (see VII.L.1) within 90 calendar days of the date of the loss;

c. Exercise your rights under this *policy* including:

(1) Appeal (see VII.L.2)

(2) Appraisal (see VI.F) or

(3) Litigation (see VII.L.3).

3. Advance Payments.

a. At our option, we may provide you with an advance payment prior to the completion of your *claim*. You may request an advance payment after providing the notice of loss required in VI.A. Such advance payments may include amounts totaling no more than 5% of the Coverage A coverage limit to an *insured* without regard to VII.F.

b. We may approve or reject your request for an advance payment at any time. Such approval or rejection does not affect the final adjustment of your *claim* and does not change your duties or our options under this *policy*.

c. If we provide you with an advance payment that exceeds your covered loss, we will send you notice in writing of the overpayment. You must repay any excess amount to us or dispute the validity of the overpayment within 30 calendar days of the date on our letter. Failure to repay any overpayment from us may result in a debt collection action by the Federal Government.

D. Deductible.

1. When a loss is covered under this *policy*, we will pay only that part of the loss that exceeds your deductible amount (subject to the applicable coverage limit). Your deductible amount is shown on the *declarations page*.

2. In each loss from *flood*, a single deductible applies to losses to your *dwelling* and all other property insured by this *policy*.

3. The deductible does NOT apply to any Loss Avoidance Measures specified in III.D.2 or III.D.3.

E. Loss Settlement.

1. This *policy* provides two possible methods of settling losses: *Replacement Cost Value* and *Actual Cash Value*.

a. *Replacement Cost Value* loss settlement, described in VI.E.2, applies:

(1) To your *dwelling*, if at the time of loss, the coverage limit in this *policy* that applies to the *dwelling* is 80% or more of full replacement cost immediately before the loss or is the maximum coverage limit available under the *NFIP*.

(2) To *claims* arising under Coverage B or Coverage C of this *policy*.

b. *Actual Cash Value* loss settlement applies:

(1) If your *dwelling* is not eligible for *Replacement Cost Value* settlement because it does not meet the conditions under VI.E.1.a.; or

(2) If *Actual Cash Value* is specified in an endorsement.

2. *Replacement Cost Value* Loss Settlement. If your loss is subject to *Replacement Cost Value* settlement under VI.E.1.a., the following conditions apply:

a. We will pay to repair or replace the damaged *dwelling* or other *building(s)* at the described *location* or personal property covered under this *policy* but not more than the lesser of the following amounts:

(1) The coverage limit that is applicable to the loss as shown on your *declarations page*;

(2) The replacement cost of that part of the *dwelling* that is damaged using materials of like kind and quality and for like use; or

(3) The amount necessary to repair or replace the damaged part of the *dwelling* for like use.

b. If the *dwelling* is rebuilt at a new location, we will pay you only the cost that would have been incurred if the *dwelling* had been rebuilt at its former location.

3. *Actual Cash Value* Loss Settlement. If *actual cash value* loss settlement applies, we will pay the lesser of the following amounts:

a. The *actual cash value* of the covered property; or

b. The policy limits stated on the *declarations page*.

4. *Flood Mitigation Expenses*. We will reimburse you for post-loss expenses that mitigate against future *flood* events as follows:

a. Post-loss expenses may not exceed the policy limits stated on the *declarations page*.

b. At your option, you may choose to replace any damage under Coverage A or Coverage B with *Flood Damage Resistant Materials*. After you complete installation of the *Flood Damage Resistant Materials*, you may then request reimbursement.

c. At your option, you may choose to elevate your *machinery and equipment* above a *basement* or an *enclosure*. Such elevated *machinery and equipment* must be elevated to a height reasonably expected to avoid future *direct physical loss by or from flood*. After you complete elevation of the *machinery and equipment*, you may then request reimbursement.

5. This is not a valued policy. A valued policy is a policy in which the payable amount in the event of a total loss is agreed upon by the *insured* and the insurer.

F. Appraisal. If you and we fail to agree on the *Replacement Cost Value* or, if applicable, *Actual Cash Value*, of your damaged property and are thus unable to settle the amount of loss, then either party may demand an appraisal of the loss.

1. Conditions Before You Can Request an Appraisal.

a. You must agree with us on a list of damaged items to be appraised.

b. You must have complied with the requirements of the *proof of loss* (see VI.A.3).

c. Appraisal is only available when the dispute between parties involves the price to be paid for the property covered under this *policy*. Other disputes, such as disputes regarding coverage or causation, or the extent of the loss, cannot be resolved through the appraisal process.

2. Appraisal Process. If the conditions under VI.F.1. are satisfied and an appraisal is properly invoked, you and we will each choose a competent and impartial appraiser within 20 calendar days after receiving a written request to do so from the other. The two appraisers will choose an umpire. If they cannot agree upon an umpire within 15 calendar days, you or we may request that the choice be made by a judge of a court of record in the State where the covered property is located. The appraisers will separately state the *Actual Cash Value* or the

Replacement Cost Value (as applicable), and the amount of loss to each item. If the appraisers submit a written report of an agreement to us, the amount agreed upon will be the amount of loss. If they fail to agree, they will submit their differences to the umpire. A decision agreed to by any two will set the amount of *Actual Cash Value* and loss, or if it applies, the *Replacement Cost Value* and loss. Each party will:

- a. Pay its own appraiser; and
- b. Bear the other expenses of the appraisal and umpire equally.

3. Appraisal can only be used when it will result in complete resolution of the entire *claim*. Appraisal cannot be used to resolve only part of your *claim* or to determine the value of some items and not others.

Section VII: General Conditions

A. Abandonment. You may not unilaterally abandon to us damaged or undamaged property insured under this *policy*.

B. Amendments, Waivers, Assignment.

1. This *policy* cannot be changed nor can any of its provisions be waived without the express written consent of the *Administrator*.

2. No action we take under the terms of this *policy* constitutes a waiver of any of our rights.

3. You may not assign your *policy* or your *claim* to any other party.

C. Death. In the event of your death during the *policy* term, the coverage provided under this *policy* continues automatically for any other *insured(s)*. If no other *insured* exists, this *policy* will insure the administrator, executor or other legal representative of your estate as previously determined by you or the intestacy laws of the state where the *described location* is located, but only for the *dwelling, building(s)*, and personal property of the deceased at the time of death.

D. Duplicate Policies Not Allowed. We will not insure your personal property at the *described location* under more than one NFIP *policy*. If there is more than one NFIP *policy* for buildings at the *described location*, we will apply the NFIP rules concerning duplicate policies and cancel or nullify one of the policies, whichever is applicable, which may result in a refund.

E. Headings and Captions. The headings and captions used in this *policy* are for convenience of reference only and shall not affect or control the meaning or interpretation of any of the terms, conditions or provisions of this *policy*.

F. Mortgage Clause. The word “mortgagee” includes trustee.

1. Any loss payable under III.A or III.B of this *policy* will be paid to any mortgagee of whom we have actual notice, as well as any other mortgagee determined to exist at the time of loss, including you, as interests appear. If more than one mortgagee is named, the order of payment will be the same as the order of precedence of the mortgages.

2. If we deny your *claim*, that denial will not apply to a valid *claim* of the mortgagee, if the mortgagee:

- a. Notifies us prior to a loss of any change in the ownership or occupancy, or substantial change in risk, of which the mortgagee is aware;

b. Pays any premium due under this *policy* on demand if you have neglected to pay the premium; and

c. Submits a signed, sworn *proof of loss* within 90 calendar days after receiving notice from us of your failure to do so.

3. All of the terms of this *policy* apply to the mortgagee.

4. The mortgagee has the right to access your *claim* file and receive loss payment even if the mortgagee has started foreclosure or similar action on the property insured under this *policy*.

5. If we decide to cancel or not renew this *policy*, it will continue in effect only for the benefit of the mortgagee for 30 calendar days after we notify the mortgagee of the cancellation or non-renewal.

6. If we pay the mortgagee for any loss and deny payment to you, we are subrogated to all the rights of the mortgagee granted under the mortgage on the property. Subrogation will not impair the right of the mortgagee to recover the full amount of the mortgagee's *claim*.

G. No Benefit to Bailee. No person or organization having custody of covered property other than you will benefit from this insurance.

H. Other Insurance. Subject to the limitations and restrictions of VII.D., if a loss covered by this *policy* is also covered by other insurance, we will pay no more than the coverage limit you are entitled to for lost, damaged, or destroyed property insured under this *policy*, subject to the following:

1. We will pay only the proportion of the loss that this *policy's* coverage limit bears to the total coverage limit covering the loss; unless VII.H.2. or VII.H.3. applies.

2. If the other policy has a provision stating that it is excess insurance, this *policy* will be primary;

3. This *policy* will be primary up to the other policy's deductible amount. After the other policy's deductible amount is reached, this *policy* will participate in the same proportion that this *policy's* amount of insurance bears to the total amount of both policies for the balance of the loss. This *policy* is subject to its own deductible.

I. Pair and Set Clause. In case of loss to an item of property that is part of a pair or set, we will have the option to pay you either:

1. The cost to replace only the lost, damaged, or destroyed item; or
2. The amount that represents the fair proportion that the lost, damaged or destroyed item bears to the total value of the pair or set.

J. Salvage.

1. After we give you written notice, we may take all or any part of the damaged property at the value that we agree upon or its appraised value.

2. We may permit you to keep damaged property insured under this *policy* after a loss, but we will reduce the amount of the loss proceeds payable to you under the *policy* by the value of the salvage.

K. Subrogation. “Subrogation” means that your right to recover for a loss that was partly or totally caused by someone else is automatically transferred to us, to the extent that we have paid you for the loss. We may require you to acknowledge this transfer in

writing. Whenever we pay for a loss under this *policy*, we are subrogated to your right to recover for that loss from any other person. After the loss, you must deliver all related papers to us, you must cooperate with us, and you may not interfere with or do anything that would prevent our right to recover this money. If we pay for a loss under this *policy* and you (1) make a *claim* against any person who caused your loss and (2) recover any money from that person, you must return our payment before you may keep any recovered funds, without regard to any non-covered losses occurring at the *described location*.

L. Your Options After Our Denial.

1. Request Additional Payment. You may request additional payment and amend your initial *proof of loss*. You must submit this request or amended *proof of loss* as set forth in VI.A. A denial letter does not extend the deadline in VI.A.3 to submit a *proof of loss*.

2. Appeal. If we deny your *claim*, in whole or in part, we will send you a denial letter. If you wish to appeal our denial, you must send an appeal letter explaining your position and a copy of our denial letter to FEMA within 60 calendar days of the date on our letter. Filing an appeal to FEMA does not limit or affect your ability to file suit, or to seek an additional payment or file an amended *proof of loss* with us.

3. File a Lawsuit Against Us. You may not sue us to recover money under this *policy* unless you have complied with all of the requirements of the *policy*. If you do sue, you must file the suit within one year after the date of the written denial of all or part of your *claim*, and you must file the suit in the United States District Court of the district in which the covered property or the major part thereof was located at the time of loss. These requirements apply to any *claim* that you may have under this *policy* and to any dispute that you may have arising out of or resulting from the handling of any *claim* under this *policy*.

In witness whereof, we have signed this policy below and hereby enter into this Insurance Agreement.

Federal Insurance and Mitigation Administration

■ 5. Add Appendix A(101) to Part 61 to read as follows:

Appendix A(101) to Part 61

Increased Cost of Compliance Coverage Endorsement

The terms of the *policy* apply to this increased cost of compliance coverage unless modified by this endorsement.

Definitions

This endorsement adds the following definitions to Section II of the *policy*:

C. Additional Defined Terms.

1. *Community Official* means the non-federal official enforcing floodplain management ordinances that meet or exceed the minimum standards of the NFIP on a damaged *building*.

2. *Compliance Activities* means legally required mitigation activities approved by the *Administrator* that reduce or remove the risk of future flood damage to a *building* at the *described location*.

Coverages

This endorsement adds the following coverage to Section III of the *policy*:

E. Increased Cost of Compliance

1. We will pay you up to the Increased Cost of Compliance coverage limit indicated on the *declarations page* for the cost of *compliance activities* actually incurred when required by a *community official*.

2. Use of this coverage is at your option, but the combined payments under Coverage A, Coverage B, and this increased cost of compliance coverage under Coverage E may not exceed the maximum amount of coverage permitted by the *Act*.

3. Limitation. When the *building* is repaired or rebuilt, it must be intended for the same occupancy as the present *building* unless otherwise required by current floodplain management ordinances or laws.

4. This *policy* does not cover:

a. Anything already excluded anywhere in the *policy*;

b. Costs of any *compliance activities*:

I. For a *flood* loss that pre-dates the current loss; or

II. Necessary for additions or improvements to the *dwelling* made after such loss occurred.

c. Any standard that does not meet the minimum requirements of the *NFIP*.

Exclusions

Paragraph A.2 of Section IV, *Exclusions*, is replaced with the following:

2. Economic losses, even if caused by flood, whether direct or indirect, including losses from a disruption of business, or complying with any ordinance or law. This exclusion does not apply to any eligible activities we describe in Coverage E—Increased Cost of Compliance.

Policy Conditions

Paragraph E.1 of Section V, *Policy Conditions*, is amended by adding the following:

c. Increased Cost of Compliance, VI.E.6, for a period not to exceed six years from the date of loss.

Procedures and Duties When a Loss Occurs

Paragraph D.3 of Section VI, *Procedures and Duties When a Loss Occurs*, is replaced with the following:

3. The deductible does NOT apply to any Loss Avoidance Measures specified in III.D.2 or III.D.3. or to III.E, Increased Cost of Compliance coverage.

Paragraph E of Section VI is amended by adding the following:

6. Increased Cost of Compliance Loss Settlement. We will pay you for your eligible increased Cost of Compliance costs when you have completed your *compliance activities* as soon as reasonably possible after the loss, not to exceed two years.

General Conditions

Paragraph B.3 of Section VII, *General Conditions*, is replaced with the following:

3. Assignment.

a. Except as provided in VII.B.3.b, you may not assign your *policy* or your *claim* to any other party.

b. You may assign a *claim* under Coverage E to a state or local government or non-profit

organization to apply towards the non-federal cost share of a federal grant.

■ 6. Add Appendix A(102) to Part 61 to read as follows:

Appendix A(102) to Part 61

Actual Cash Value Loss Settlement Endorsement

Read the endorsement carefully for changes to the policy.

This endorsement provides *Actual Cash Value* as the only available valuation for settling your covered losses under the *policy*.

Paragraphs E.1 through E.5 of Section VI, *Procedures and Duties When a Loss Occurs*, are replaced with the following:

1. This *policy* provides *Actual Cash Value* loss settlement.

2. *Actual Cash Value* Loss Settlement. If *actual cash value* loss settlement applies, we will pay the lesser of the following amounts:

a. The *actual cash value* of the covered property; or

b. The policy limits stated on the *declarations page*.

3. *Flood Mitigation Expenses*. We will reimburse you for post-loss expenses that mitigate against future *flood* events as follows:

a. Post-loss expenses may not exceed the policy limits stated on the *declarations page*.

b. At your option, you may choose to replace any damage under Coverage A or Coverage B with *Flood Damage Resistant Materials*. After you complete installation of the *Flood Damage Resistant Materials*, you may then request reimbursement.

c. At your option, you may choose to elevate your *machinery and equipment* above a *basement* or an *enclosure*. Such elevated *machinery and equipment* must be elevated to a height reasonably expected to avoid future *direct physical loss by or from flood*. After you complete elevation of the *machinery and equipment*, you may then request reimbursement.

4. This is not a valued policy. A valued policy is a policy in which the payable amount in the event of a total loss is agreed upon by the *insured* and the insurer.

■ 7. Add Appendix A(103) to Part 61 to read as follows:

Appendix A(103) to Part 61

Temporary Housing Expense Endorsement

The terms of the *policy* apply to this temporary housing expense coverage unless modified by this endorsement.

What We Cover

Paragraph A.4.a of Section III, *What We Cover*, is replaced with the following:

a. Except as provided in III.D.4 as modified by endorsement, loss of use of the *described location* while the *dwelling* is inaccessible, being repaired, or is uninhabitable for any reason;

Paragraph D.4 of Section III, *What We Cover*, is replaced with the following:

4. Temporary Housing Expense. For additional premium received, we will cover temporary housing expenses actually incurred by you up to the coverage sublimit specified on the *declarations page* when:

(i) The *dwelling* at the *described location* is uninhabitable due to *direct physical loss by or from flood*. Payment will be for the shortest amount of time required to repair or replace the damage or, if you permanently relocate, the shortest time required for your household to settle elsewhere.

(ii) A legally authorized official has issued an evacuation or civil order for the community in which the *dwelling* is located calling for measures to preserve life and property from the peril of *flood*. Payment will be for the shortest time period covered by the order.

(b) The time period for temporary housing expense coverage is not limited by the expiration of the policy term specified in I.D but in any case will not exceed 24 consecutive months from the date of the covered *flood* loss.

5. This coverage does not increase the Coverage A, Coverage B, or Coverage C limits.

■ 8. Add Appendix A(104) to Part 61 to read as follows:

Appendix A(104) to Part 61

Basement Coverage Endorsement

The terms of the *policy* apply to this basement coverage endorsement unless modified by this endorsement.

What We Cover

Paragraph A.2 of Section III, *What We Cover*, is replaced with the following:

2. Coverage for *Basements*. For additional premium received, we insure up to the selected Coverage A sublimit on the *declarations page* against *direct physical loss by or from flood* to the *basement*.

Paragraph C.3.a of Section III, *What We Cover*, is replaced with the following:

a. Limitations on Property in a *Basement* or in an *Enclosure*.

i. For additional premium received, we insure up to the selected Coverage C sublimit on the *declarations page* against *direct physical loss by or from flood* to personal property in a *basement*.

ii. In an *enclosure*, this *policy* will only cover appliances installed in their functioning locations and, if necessary for operation, connected to a power source.

■ 9. Add Appendix A(105) to Part 61 to read as follows:

Appendix A(105) to Part 61

Builder's Risk Endorsement

This *NFIP policy* is amended to provide coverage for a *building* under construction as set forth in this endorsement. The terms of the *policy* apply to this builder's risk endorsement unless modified by this endorsement.

Insuring Agreement

Paragraph D of Section I, *Insuring Agreement*, is replaced with the following:

D. *Policy term*. This policy will expire at the earlier of the following two dates:

1. The date your *dwelling* is completed and occupied by you, this endorsement is deleted by us, and the Homeowner Flood Form becomes effective in its entirety; or

2. 12:01 a.m. on the last day of the policy term stated on the *declarations page*.

Definitions

This endorsement adds the following definitions to Section II of the *policy*:

C. Additional Defined Terms.

1. **Construction.** *Construction* as used in this endorsement means any new development of land at the *described location* resulting in a *building* or alteration or repair of a *building*, including a *dwelling* at the *described location*.

What We Cover

Section III, What We Cover, is replaced in its entirety with the following:

Section III: What We Cover

A. Coverage A—Dwelling

1. We insure up to the coverage limit on the *declarations page* at the *described location* against *direct physical loss by or from flood* to:

a. The *dwelling* under *construction* at the *described location*. If the *dwelling* is not yet walled or roofed as described in the definition of *building*, then coverage applies;

(1) Only while *construction* is in progress; or

(2) If *construction* is halted only for a period of 90 consecutive days thereafter.

b. Materials and supplies to be used for *construction* of the *dwelling* or any other *building(s)* scheduled under Coverage B at the *described location*. The materials and supplies must be stored in a *building* at the time of loss.

2. Coverage for Basements and Enclosures.

a. Limited coverage. We only cover *direct physical loss by or from flood* to the interior of all *basements* and *enclosures* as follows:

(1) *Machinery and equipment* installed and, if necessary for operation, connected to a power source.

(2) Footings, foundations, posts, pilings, piers, or other foundation walls and anchorage systems required to support a *dwelling*.

(3) Stairways and staircases directly attached to the *dwelling*.

(4) Unfinished drywall and nonflammable insulation.

3. Dwelling Limitations.

a. Limitations on mold and mildew. We cover damage to the *dwelling* due to mold or mildew caused by a *flood* only when it is not within your control to inspect and maintain the property after a *flood* recedes.

b. Limitations on power, heating, or cooling failure. We cover damage caused by a power, heating, or cooling failure that is the result of *direct physical loss by or from flood* to covered power, heating, or cooling equipment at the *described location*.

c. Limitations on *flood* in the area. When there is a *flood* in the area and the *flood* causes:

(1) water or waterborne material to back up through sewers or drains; to discharge or overflow from a sump, sump pump, or related equipment; or to seep or leak on or through the *dwelling*; or

(2) losses to the *dwelling* by or from the pressure or weight of standing or resting water on or below the surface of the land.

d. Limitations on pollutants. We pay for the testing or monitoring of pollutants after a *flood* only when required by law or

ordinance. "Pollutants" refers to any substances that include, but are not limited to, any solid, liquid, gaseous, or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste. "Waste" includes, but is not limited to, materials to be recycled, reconditioned, or reclaimed.

4. This *policy* does not cover:

a. Loss of use of the *described location* including any living expenses incurred while the *dwelling* is inaccessible, being repaired, or is uninhabitable for any reason;

b. Land and land values;

c. Lawns, trees, shrubs, plants, growing crops, and landscaping;

d. Any open structures, including but not limited to a building used as a boathouse, when located entirely in, on, or over water.

e. *Buildings* constructed or substantially improved after September 30, 1982, when (1) they are located entirely in, on, or over water or (2) if they are seaward of mean high tide;

f. Underground structures and equipment that are not located within the *dwelling*, such as wells, septic, sewer, plumbing supply, waste lines, gas supply lines, electrical and HVAC system components;

g. Those portions of walks, walkways, decks, driveways, patios, and other surfaces, all whether protected by a roof or not, located outside the perimeter, exterior walls of the insured *building*;

h. Containers and related equipment, such as tanks containing gases or liquids;

i. Fences, retaining walls, seawalls, bulkheads, wharves, piers, bridges, and docks; and

j. Hot tubs and spas that are not bathroom fixtures, and swimming pools, and their equipment, such as heaters, filters, pumps, and pipes, wherever located.

B. Coverage B—Other Buildings

1. We apply the terms of Coverage A to other *buildings* at the *described location* except as modified in III.B.2.

a. For this Coverage B to apply, the other *buildings* must appear on the *declarations page*.

b. Use of this coverage is at your option, but reduces the *dwelling* coverage limit provided under Coverage A. The maximum available coverage limit for other *buildings* is 10% of Coverage A limits, regardless of how many *buildings* are scheduled on the *declarations page*.

2. We do not cover:

a. Anything already excluded under the terms of Coverage A.

b. *Basements* or *enclosures* for any *building* that is not the *dwelling*.

c. Any *building* used or held for use for commercial purposes, such as agricultural and business use.

d. Any *building(s)* at the *described location* that is not owned by the insured, including an entity, such as a homeowners association.

C. Coverage C—Personal Property

There is no personal property coverage under this *policy* until your *dwelling* is completed and occupied by you, this endorsement is deleted by us, and the Homeowner Flood Form becomes effective in its entirety.

D. Coverage D—Other Coverages

1. Debris Removal

a. Covered Debris.

(1) We will pay the labor and expense to remove:

(a) debris from anywhere that comes onto or into the insured *dwelling* or other insured *buildings* at the *described location*; and

(b) debris of insured property anywhere.

(2) If you or a member of your household perform the debris removal work, we will pay you for the value of this work using the federal minimum wage. This coverage does not increase any coverage limit stated on the *declarations page*.

b. Debris Not Covered. This *policy* does not cover the cost to remove:

(1) debris from other locations on the land surrounding the *dwelling* or other *building(s)* at the *described location*, or

(2) any non-covered items of property from the *dwelling* or *building(s)*, even if the removal facilitates covered cleanup or repairs.

2. Loss Prevention

a. Materials and Labor

(1) We will pay up to the coverage sublimit specified on the *declarations page* for the expenses you incur to protect your insured property from a *flood* or imminent danger of *flood*. Such expenses are limited to the following:

(a) Your reasonable expenses to buy materials reasonably understood to be, or commonly used as, temporary measures to avoid or reduce the harm from an imminent *flood*; including sandbags, fill for temporary levees, and pumps; and

(b) The value of work, at the federal minimum wage, that you or a member of your household perform to protect your property.

b. This coverage for materials and labor only applies if damage to the insured property by or from *flood* is imminent and the threat of *flood* damage is apparent enough to lead a reasonably prudent person to anticipate *flood* damage. In addition, one of the following must occur:

(1) A general and temporary condition of flooding in the area near the *described location* must occur, even if the *flood* does not reach the *building*; or

(2) A legally authorized official has issued an evacuation order or other civil order for the community in which your insured property is located calling for measures to preserve life and property from the peril of *flood*.

3. Property Removed to Safety. We will pay up to the coverage sublimit specified on the *declarations page* for the reasonable expenses you incur to move insured property to a secure location other than the *described location* to protect it from *flood* or the imminent danger of *flood*. Reasonable expenses include the value of work, at the federal minimum wage, performed by you or a member of your household.

4. This coverage does not increase the Coverage A, Coverage B, or Coverage C limits.

Policy Conditions

The following subsection is added to paragraph B of Section V, *Policy Conditions*:
3. Builders Risk. Notwithstanding V.B.1 or V.B.2, any *NFIP policy* written with a builder's risk endorsement is eligible for only one renewal.

General Conditions

The following subsection is added to the beginning of paragraph F of Section VII, *General Conditions*:

A holder of a *construction* loan upon which draws have been paid shall be considered the "mortgagee."

Deanne B. Criswell,

*Administrator, Federal Emergency
Management Agency.*

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