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Title 3—

Proclamation 10747 of May 3, 2024

The President

Days of Remembrance of the Victims of the Holocaust, 2024

By the President of the United States of America

A Proclamation

During *Yom HaShoah* and these days of remembrance, we mourn the six million Jews who were systematically targeted and murdered in the Holocaust, one of the darkest chapters in human history. We also mourn the Roma, Sinti, Slavs, people with disabilities, LGBTQI+ people, racial minorities, and political dissidents who were killed or endured abuse by the Nazis and their collaborators, as well as those who risked or lost their lives to protect others. We honor the memories of the victims, the courage of the survivors, and the heroism of those who stood up to the Nazis, and we recommit ourselves to making real the promise of “Never Again.”

I often reflect on memories of sitting around our kitchen table where my father would educate my siblings and me about the horrors of the Holocaust. Entire families wiped out. Communities savagely destroyed. Survivors left with memories and traumas that will never go away—even as the tattoos etched into their skin by the Nazis fade and the number of survivors dwindles. My dad taught us that silence is complicity—a lesson I have passed down to my children and grandchildren by taking them to the Dachau concentration camp in Germany. As United States Senator, as Vice President, and now as President, I have met with many Holocaust survivors, promising them that our Nation would neither forget what they endured nor ever again stand by silently in the face of antisemitism.

The charge has never been more urgent than in the aftermath of Hamas’ vicious terrorist attack on October 7th—the deadliest day for Jews since the Holocaust. Among the 1,200 innocent people who were slaughtered and the hundreds taken hostage were elderly survivors of the Shoah, who were forced to relive the horrors they thought they had escaped decades ago. My Administration is working tirelessly to free the hostages who have been held by Hamas for over half a year—and as I have said to their families, we will not rest until we bring them home.

While Jews across the country and around the world are still coping with the trauma of that day and its aftermath, we have seen an alarming surge in antisemitism at home and abroad that resurfaces painful scars of millennia of antisemitism and hate against the Jewish people. This includes harassment and calls for violence against Jews—in our schools, in our communities, and online. This blatant antisemitism is reprehensible and dangerous. Antisemitic hate speech has absolutely no place on college campuses or anywhere else in our country. As Americans, we cannot stay silent as Jews are attacked, harassed, and targeted. We must also forcefully push back attempts to ignore, deny, distort, or revise the history of Nazi atrocities during the Holocaust or Hamas’ murders and other atrocities committed on October 7th—including the appalling and unforgivable use of rape and sexual assault to terrorize and torture Jewish women and girls.

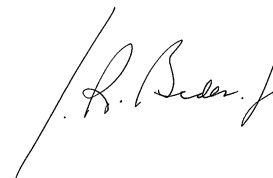
My commitment to the safety of the Jewish people and the security of Israel is ironclad. Under the first-ever National Strategy to Combat Antisemitism, my Administration is mobilizing the full force of the Federal Government to crack down on antisemitism and to ensure hate has no safe harbor in America. We clarified civil rights protections for Jews under

Title VI of the Civil Rights Act of 1964. The Department of Education is leading investigations into antisemitism on college campuses. The Department of Justice is investigating and prosecuting hate crimes. The Federal Bureau of Investigation is focused on delivering security resources to Jewish communities. We provided the largest-ever increase in funding for the physical security of non-profits, including synagogues, Jewish community centers, and Jewish schools. I appointed Deborah Lipstadt, a Holocaust expert, to be the first-ever Ambassador-level Special Envoy to Monitor and Combat Antisemitism around the world.

During these somber days of remembrance, we mourn the lives tragically stolen in the Shoah and on October 7th. As we hold the Jewish community close to our hearts, we recommit to remembering so that what happened can never be erased. Some injustices are so heinous, horrific, and grievous that they cannot be buried, no matter how hard people try. In silence, wounds deepen, but in remembrance comes healing, justice, and repair. Toward those aims, we must all forcefully act against antisemitism and all forms of hate-fueled violence. As we do, we honor the courage, strength, and resilience of the Jewish people, who have inspired the world for generations by turning pain into purpose, healing into hope, and darkness into light.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5 through May 12, 2024, as a week of observance of the Days of Remembrance of the Victims of the Holocaust, and I call upon the people of the United States to observe this week and pause to remember victims and survivors of the Holocaust.

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



Presidential Documents

Proclamation 10748 of May 3, 2024

National Hurricane Preparedness Week, 2024

By the President of the United States of America

A Proclamation

Too many families know the pain of having their lives and livelihoods devastated by powerful hurricanes, tropical storms, and typhoons. During National Hurricane Preparedness Week, we shed light on the dangerous impacts of hurricanes and share best practices on how to prepare and stay safe. We also show our gratitude to the first responders, volunteers, and all those who help to prepare communities in advance and rescue, recover, and rebuild in the wake of their darkest moments.

In Louisiana, Florida, New York, and Puerto Rico, I have walked the empty streets that hurricanes left behind. Community members have told me about the homes, churches, and small businesses that stood there only a few days before—how everything they had worked for had been wiped out. Hurricanes have caused billions of dollars in damage. With the climate crisis, extreme weather events like hurricanes may grow more frequent and intense.

My Administration has taken action to make our Nation more resilient to and prepared for extreme weather. Our Bipartisan Infrastructure Law—the most significant investment in infrastructure in decades—is strengthening, restoring, and building roads, bridges, and ports across our country. I also signed the Inflation Reduction Act—the most significant climate investment in the history of the world. With these pieces of legislation, we are investing tens of billions of dollars in building a future that keeps Americans safe from the threat of extreme weather. We are modernizing building codes to be more protective and upgrading electric grids so the power does not go out when storms land. We are helping States prepare safe evacuation routes and launch new construction projects that keep vulnerable coastal communities safe against extreme weather events like hurricanes and storm surges. We are revitalizing critical ecosystems like reefs, beaches, and wetlands that naturally keep us safer during storms by buffering shorelines against the waves.

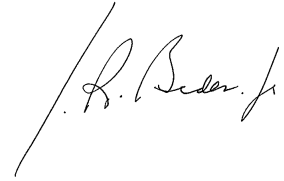
This week, as we approach hurricane season, every American can take steps to plan, prepare, and better protect their families and homes. Review emergency plans and insurance policies and make sure they are up to date. Store important documents in a secure and accessible place, learn local evacuation routes, and prepare an emergency kit. If a storm approaches, keep a close eye on storm surge and hurricane warnings, and follow guidance from local authorities. Spreading awareness about preparation for hurricanes can make a huge difference in keeping friends, families, and neighbors safe. For more information, visit ready.gov for tips on how to protect yourself from all hazards.

I have often said that America is the only country that has emerged from every crisis stronger than when we entered it. That is in no small part due to the courage and compassion of volunteers, first responders, and everyday people who show up in the wake of disaster. They have put roofs over people's heads, rebuilt what was lost, and saved lives. This National Hurricane Preparedness Week, we honor their service, and we

recommit to doing our part in keeping America's communities safe and secure from these disasters.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5 through May 11, 2024, as National Hurricane Preparedness Week. I urge all Americans to help build our climate-resilient Nation so that individuals, organizations, and community leaders are empowered to take action to make their communities more secure in the face of extreme weather and climate change. I call on our Federal, State, Tribal, territorial, and local government agencies to share information that will protect lives and property.

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

A handwritten signature in black ink, appearing to read "Joe Biden", with a long, sweeping horizontal line extending to the left.

Presidential Documents

Proclamation 10749 of May 3, 2024

Public Service Recognition Week, 2024

By the President of the United States of America

A Proclamation

Our Nation's over 20 million public servants work hard to deliver for our families, communities, and country. Their work matters to people's everyday lives: They keep neighborhoods safe and the buses running, and build futures for people in their hometowns. They are the lifeblood of our democracy, acting as brave first responders, election workers, and service members defending our country. This week, we recognize our Nation's public servants, who do the humble yet critical work of keeping our country running.

When I came into office, our country was facing an unprecedented crisis—a pandemic was raging and the economy was reeling. But we turned things around—in no small part because of our public servants. I signed the American Rescue Plan, providing \$350 billion to ensure public servants could stay on the job. That money put more police officers in our communities and more teachers and education support professionals in our schools. It went directly to every community in America so public servants could decide how to best help their communities. Because of public servants' work, child care centers stayed open, families stayed in their homes, and small businesses stayed afloat. At the same time, this legislation also made one of the biggest investments ever in public safety. Our public servants have done an incredible job of putting these resources to work by hiring more officers for accountable, effective community policing and supporting violence intervention programs that help prevent crime in the first place. Together, we created new jobs, new businesses, and new hope for folks across the country.

Our Nation relies on our public servants every day, and they deserve to be treated with dignity and respect. That is why I issued an Executive Order to increase the minimum wage for Federal employees to \$15 per hour, ensuring our public servants are paid fairly while also attracting more competitive applicants to these critical roles. I established a White House Task Force on Worker Organizing and Empowerment, led by Vice President Harris, to strengthen the right to organize and bargain collectively, including for Federal Government workers. Further, I launched a Government-wide initiative to promote diversity, equity, and inclusion in the Federal workforce so that it reflects all the communities we serve. My Administration finalized a rule prohibiting Federal agencies from considering an applicant's current or past pay when determining their future salaries—eliminating gender and racial pay inequities that can otherwise follow those seeking a job in public service. To ensure all Federal employees feel safe and supported in the workplace, I took executive action to protect Federal employees from discrimination on the basis of their gender identity or sexual orientation—pushing the Federal Government to become the model employer it can and should be.

My Administration has also taken significant action to provide student debt relief—giving our public servants some well-deserved breathing room. I fixed the Public Service Loan Forgiveness Program, which was designed to make sure public servants could get their student loans forgiven once they made payments for 10 years. When I took office, only 7,000 public servants had

had their debts forgiven—it was past time to fix it. Thanks to my Administration’s reforms, nearly 876,000 public servants have had their student debts forgiven.

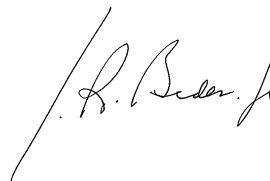
We must do more to protect our Nation’s public servants, who provide the expertise necessary for our democracy to function. To guarantee that career civil servants can continue to share their expertise and keep our democracy working, my Administration finalized a rule to protect the jobs of 2.2 million career civil servants—no matter who is in office.

Meanwhile, my Administration is working to empower and strengthen the career Federal workforce more than ever before. My Budget includes a focus on hiring more public servants into mission critical jobs, helping provide better services to the American people.

This week, I hope all the public servants feel proud. Across the country, we are seeing new shovels in the ground, people going to work, and families thriving. People are feeling pride in their hometowns and their country again and in knowing that we can get big things done when we work together. We are witnessing the greatest comeback our country has ever known—in no small part because of the hard work and dedication of our Nation’s public servants.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5 through May 11, 2024, as Public Service Recognition Week. I call upon all Americans to celebrate public servants and their contributions this week and throughout the year.

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

A handwritten signature in black ink, appearing to read "Joe Biden", with a long, sweeping horizontal line extending to the left.

Presidential Documents

Proclamation 10750 of May 3, 2024

National Teacher Appreciation Day and National Teacher Appreciation Week, 2024

By the President of the United States of America

A Proclamation

Teachers are the heart and soul of our Nation. They care for our Nation's students, pass on knowledge to rising generations, and inspire our children to dream up new possibilities for their futures. The power of a great teacher is profound, and—on National Teacher Appreciation Day and during National Teacher Appreciation Week—we thank them for their tireless efforts and recommit to taking care of our teachers, just as they have taken care of all of us.

Our Nation asks so much of our teachers, and that is why my Administration supports them in all that we do. Our American Rescue Plan provided historic funding for schools to reopen safely after the pandemic so that teachers could return to their classrooms. It also delivered critical support for schools—from supporting early childhood programs and funding after-school and summer programs to hiring more teachers, counselors, and school psychologists.

We also passed the most significant bipartisan gun safety law in nearly 30 years because teaching should not be a life-threatening profession and teachers should never be on the frontlines of the gun violence epidemic. The law enhanced background checks for people under the age of 21 and gave States funding to enact red flag laws. At the same time, the law provided \$1 billion to help schools hire and train mental health counselors. But we need to do more—I continue to call on the Congress to implement commonsense gun safety laws that protect our kids and teachers.

Teachers deserve so much more breathing room: As I said in my State of the Union Address, let us give public school teachers a raise. Let us help relieve them of the student debt they took on to become teachers. My Administration has already worked to take the crushing weight of student debt off teachers' shoulders by fixing the Public Student Loan Forgiveness (PSLF) program. To date, we have canceled over \$62.8 billion in student debt for nearly 900,000 public service workers, including teachers. That is up from the only 7,000 workers who had received PSLF when I took office.

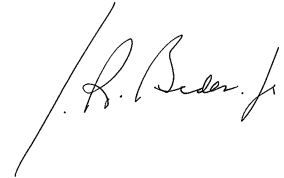
There is still much more to do to make sure our teachers are fully supported. My Budget proposes investing nearly \$3 billion in teachers and other educators, including \$650 million to support pathways into the profession, help keep great teachers in the profession, and increase the diversity of the profession. My Budget also proposes eliminating the origination fees charged to borrowers on every new Federal student loan, which would save the typical teacher \$1,000 or more throughout the repayment process. Further, my Administration proposed a rule that would boost Head Start teacher wages by \$10,000 on average, ensuring that they are getting the wages they deserve.

The First Lady has reminded me over the years that for teachers, teaching is more than what they do—it is who they are. That sense of purpose powers our Nation's teachers every day—even through the long hours they

spend setting up classrooms, preparing lesson plans, and educating our future leaders. I have had the honor of meeting so many of our Nation's great teachers, who have poured their hearts into caring for their students—not only by educating them but motivating and inspiring them. Teachers hold the kite strings that keep our national ambitions aloft. The future of our Nation is in their hands. Today and this week, may we all show them the gratitude they deserve. We will always have their backs.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 7, 2024, as National Teacher Appreciation Day and May 6 through May 10, 2024, as National Teacher Appreciation Week. I call upon all Americans to recognize the hard work and dedication of our Nation's teachers and to observe this day and this week by supporting teachers through appropriate activities, events, and programs.

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

A handwritten signature in black ink, appearing to read "Joe Biden", with a long, sweeping horizontal line extending to the left.

Presidential Documents

Proclamation 10751 of May 3, 2024

National Fallen Firefighters Memorial Weekend, 2024

By the President of the United States of America

A Proclamation

I have often said that God made man, and then made firefighters. Their extraordinary courage embodies the best of America—with every call they answer, they put their lives on the line to keep the rest of us safe. It is more than what they do; it is who they are. This weekend, we honor the brave service of every fallen hero who has made the ultimate sacrifice for our communities.

Last year, when the First Lady and I visited Maui in the wake of the devastating fires there, we met firefighters who had performed breathtaking acts of heroism, rescuing families and saving lives, even while many of their own homes burned. Over the years, I have had the honor of knowing many like them, and I know their bravery comes at a cost. They respond to hundreds of thousands of fires, medical calls, and other emergencies every year, some of which they were never trained for. As the effects of climate change worsen, local and wildland fire departments are being called to fight deadlier and stronger blazes. Too often, they are also exposed to toxic chemicals not only in smoke, but in their own protective gear, risking their health down the line. It is a dangerous profession, with everything at stake.

Firefighters have always had our backs; as a Nation, we have to have theirs. I know that few things protect firefighters better than more firefighters. That is why, in my first months as President, I signed the American Rescue Plan, getting States and cities the funding needed to hire more firefighters during the pandemic, often boosting pay and keeping these essential heroes on the job. That law also increased Federal firefighting grants by \$300 million, paying for hundreds of emergency response vehicles and thousands of sets of turnout gear, while putting more local firefighters in the field.

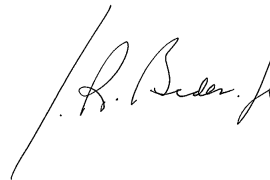
At the same time, we are making sure more firefighters have the quality health care they deserve. After years of incredible valor battling dangerous flames, cancer is in fact one of the leading causes of death in this community—a silent killer that stays with folks long after the blaze is out. Through our Cancer Moonshot Initiative, my Administration is working to end cancer as we know it. It aims to cut the cancer death rate in half over 25 years by investing in research and development, early detection, and screening, and better supporting patients and their families from the moment of their diagnosis. The Department of Labor has established a new unit to more quickly process claims for Federal firefighters with cancer. We are cracking down on exposure to toxic PFAS—the so-called “forever chemicals” that are used to make firefighting gear, equipment, and suppression agents. We have increased funding for research into the specific PFAS risks that firefighters face, looking for new ways to address them.

When a firefighter is harmed in the line of duty, it is on us all to make sure they get the support they deserve. We have expanded benefits for those who are permanently disabled, and extended them to family members of those who have passed away after experiencing trauma on duty. In 2022, I was proud to sign the Federal Firefighters Fairness Act, getting more

than 10,000 Federal firefighters and their families critical workers' compensation and other benefits, by making sure certain heart problems, lung diseases, and cancers are classified as job-related. After years of service, we also have to make sure firefighters get the retirement pay and benefits they have earned. I was proud to sign legislation to keep their disability retirement benefits tax-free. And I will always stand with labor and defend their right to collectively bargain for the good pay, benefits, and safety protections they deserve. This Nation owes every firefighter who gets up each morning and goes to work not knowing if they will make it home. We owe their families. We owe everyone who has ever lost a firefighter that they loved. They lost a piece of their soul. These heroes' courageous legacy lives on in the communities they kept safe, and in our work to be there for one another the way that they were always there for us.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim May 4 through May 5, 2024, as National Fallen Firefighters Memorial Weekend. On Sunday, May 5, 2024, in accordance with Public Law 107-51, the flag of the United States will be flown at half-staff at all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call upon all Americans to observe these events with appropriate ceremonies and activities and honor our Nation's courageous firefighters who gave their lives to keep the rest of us safe.

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

A handwritten signature in dark ink, appearing to read "Joe Biden", is written over a diagonal line that extends from the bottom left towards the top right.

Presidential Documents

Proclamation 10752 of May 3, 2024

Missing or Murdered Indigenous Persons Awareness Day, 2024

By the President of the United States of America

A Proclamation

For decades, Native communities across this continent have been devastated by an epidemic of disappearances and killings, too often without resolution, justice, or accountability. On Missing or Murdered Indigenous Persons Awareness Day, we honor the individuals missing and the lives lost, and we recommit to working with Tribal Nations to end the violence and inequities that drive this crisis, delivering safety and healing.

Across Indian Country, justice for the missing has been elusive for too long. Too many Native families know the pain of a loved one being declared missing or murdered, and women, girls, and LGBTQI+ and Two-Spirit individuals are bearing the brunt of this violence. In the depths of their grief, the work of investigating these disappearances, demanding justice, and fighting for the hopeful return of their loved ones has fallen on the shoulders of families. Legions of brave activists have sought to change that. We need to provide greater resources and ensure the accountability that every community deserves.

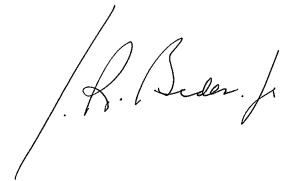
During my first year in office, I signed an Executive Order directing Federal agencies to join Tribal Nations in responding to this crisis with new urgency. Since then, the Department of Justice and the Department of the Interior have worked together to accelerate investigations and bring families closure in ways that respect their cultures and the trauma they have endured. The Department of the Interior created a unit dedicated to this work, and the Federal Bureau of Investigation has hired personnel to focus on these cases and ensure that victims' families are heard throughout this process. Further, as a result of an effort spearheaded by Secretary of the Interior Deb Haaland when she was in the Congress, Federal agencies are responding to and implementing the recommendations of the Not Invisible Act Commission—a commission composed of loved ones of missing or murdered individuals, law enforcement, Tribal leaders, Federal partners, service providers, and survivors of gender-based violence—to combat this epidemic. We will continue working with the governments of Canada and Mexico through the Trilateral Working Group on Violence Against Indigenous Women and Girls to make sure our efforts are coordinated and incorporate Tribal input.

At the same time, we are supporting efforts within the community to crack down on gender-based violence in Indian Country. We reauthorized the Violence Against Women Act (VAWA) in 2022, which included historic provisions to strengthen Tribal sovereignty and safety, expanding Tribal jurisdiction to include prosecution of non-Native perpetrators of stalking, sexual assault, sex trafficking, and child abuse for crimes committed on Tribal lands. Further, my Administration invested in training for law enforcement and Federal court officers to ensure they respond to cases of gender-based violence through a trauma-informed and culturally responsive approach. My new Budget designates \$800 million for the Department of Justice to support VAWA programs, including a new grant program that will work to address the missing or murdered Indigenous persons crisis.

The United States has made a solemn promise to fulfill its trust and treaty obligations to Tribal Nations and to help rebuild Tribal economies and institutions. Ending this devastating epidemic is an important piece of that work. Today, we mourn with the families who have lost a piece of their soul to this crisis, and we honor the Indigenous activists and advocates who have summoned the courage to shine light on the tragedy. Their actions have already saved countless lives. Together, we will resolve these unanswered questions and build a future for everyone based on safety, security, and self-determination.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5, 2024, as Missing or Murdered Indigenous Persons Awareness Day. I call on all Americans and ask all levels of government to support Tribal governments and Tribal communities' efforts to increase awareness and address the issues of missing or murdered Indigenous persons through appropriate programs and activities.

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

A handwritten signature in black ink, appearing to read "Joe Biden", is written over a horizontal line.

Rules and Regulations

Federal Register

Vol. 89, No. 93

Monday, May 13, 2024

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

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

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Parts 1719

[Docket Number: RUS–24–ELECTRIC–0013]

Removing Reference to SAM Managed Identifier (SAMMI)

AGENCY: Rural Utilities Service USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Services (RUS), an agency in the United States Department of Agriculture (USDA) Rural Development (RD) Mission area, is issuing a final rule to update this part by removing the reference to a SAM Managed Identifier (SAMMI) as the reference became obsolete when the Unique Entity Identifier (UEI) became the official term.

DATES: *Effective date:* May 13, 2024.

FOR FURTHER INFORMATION CONTACT: Lauren Cusick, Rural Development Innovation Center—Regulations Management Division, United States Department of Agriculture, 1400 Independence Avenue SW, South Building, Washington, DC 20250–1522. Telephone: (202) 720–1414. Email: lauren.cusick@usda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The SAMMI was an early integrated award environment moniker for what became the UEI. All references to SAMMI were removed from discussions and communications once the UEI became the official term utilized.

II. Summary of Changes

7 CFR part 1719. Section 1719.5(b)(2)(ii) is amended to remove the reference to SAMMI as it is no longer used.

III. Executive Orders

Paperwork Reduction Act

This final rule contains no reporting or recordkeeping provisions requiring Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

E-Government Act Compliance

RD is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible and to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Executive Order 12372—Intergovernmental Consultation

This final rule is not subject to the requirements of Executive Order 12372, “Intergovernmental Review of Federal Programs,” as implemented under USDA’s regulations at 2 CFR part 415, subpart C.

Executive Order 12866

This final rule is exempt from OMB review for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

Executive Order 13132—Federalism

The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

Congressional Review Act

This rule is not subject to the Congressional Review Act (“CRA”) (5 U.S.C. 801 *et seq.*), as the CRA provides an exemption for any rule relating to agency management or personnel and for rules relating to agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (5 U.S.C. 601–602) (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act (“APA”) or any other statute. The Administrative Procedures Act exempts from notice and comment requirements rules “relating to agency management or personnel or to public property, loans, grants, benefits, or contracts” (5 U.S.C. 553(a)(2)), so therefore an analysis has not been prepared for this rule.

Unfunded Mandates Reform Act

This final rule contains no Federal Mandates (under the regulatory provision of title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25) for State, local, and Tribal governments, or the private sector. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

National Environmental Policy Act

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

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This Executive order imposes requirements on RUS in the development of regulatory policies that have Tribal implications or preempt Tribal laws. RUS has determined that the final rule does not have a substantial direct effect on one or more Indian

Tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and Indian Tribes. Thus, this final rule is not subject to the requirements of Executive Order 13175. If Tribal leaders are interested in consulting with RUS on this final rule, they are encouraged to contact USDA's Office of Tribal Relations or RD's Native American Coordinator at: *AIAN@usda.gov* to request such a consultation.

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

The Assistance Listing Number assigned to the program affected by this final rule is 10.751—Rural Energy Savings Program.

Civil Rights Impact Analysis

RD has reviewed this final rule in accordance with USDA Regulation 4300–4, Civil Rights Impact Analysis, to identify any major civil rights impacts the rule might have on program participants on the basis of age, race, color, national origin, sex, disability, marital or familial status. Based on the review and analysis of the rule and all available data, issuance of this final rule is not likely to negatively impact low and moderate-income populations, minority populations, women, Indian Tribes or persons with disability, by virtue of their age, race, color, national origin, sex, disability, or marital or familial status. No major civil rights impact is likely to result from this final rule.

USDA Non-Discrimination Statement

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

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print,

audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; or the 711 Relay Service.

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

- (1) *Mail*: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; or
- (2) *Fax*: (833) 256–1665 or (202) 690–7442; or
- (3) *Email*: *Program.Intake@usda.gov*.

List of Subjects in 7 CFR Part 1719

Electric power, Grant programs–energy, Loan programs–energy, Reporting and recordkeeping requirements, Rural areas.

Accordingly, for the reasons set forth in the preamble, the Rural Utilities Service amends 7 CFR part 1719 as follows:

PART 1719—RURAL ENERGY SAVINGS PROGRAM

- 1. The authority citation for part 1719 continues to read as follows:

Authority: 7 U.S.C. 8107a.

Subpart B—Application, Submission and Administration of RESP Loans

- 2. Amend § 1719.5 by revising paragraph (b)(2)(ii) to read as follows:

§ 1719.5 Application process and required information.

* * * * *

(b) * * *

(2) * * *

(ii) The Applicant's tax identification number, Unique Entity Identifier, and such similar information as it may be

subsequently amended or required for Federal funding.

* * * * *

Andrew Berke,
Administrator, Rural Utilities Service, Rural Development, USDA.
[FR Doc. 2024–10402 Filed 5–10–24; 8:45 am]
BILLING CODE 3410–15–P

DEPARTMENT OF ENERGY

10 CFR Part 1021

[DOE–HQ–2023–0063]

RIN 1990–AA48

National Environmental Policy Act Implementing Procedures; Correction

AGENCY: Office of the General Counsel, Department of Energy.
ACTION: Final rule; correction.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is correcting a final rule that was published in the **Federal Register** on April 30, 2024. The final rule revised National Environmental Policy Act (NEPA) implementing procedures (regulations). This document corrects an error in that final rule.

DATES: Effective May 30, 2024.

FOR FURTHER INFORMATION CONTACT: For information regarding DOE's NEPA regulations, contact Ms. Carrie Abravanel, Deputy Director, Office of NEPA Policy and Compliance, at *carrie.abravanel@hq.doe.gov* or 202–586–4798.

SUPPLEMENTARY INFORMATION:

I. Background

DOE published a final rule in the **Federal Register** on April 30, 2024, revising NEPA implementing procedures to add a categorical exclusion for certain energy storage systems and revise categorical exclusions for upgrading and rebuilding powerlines and for solar photovoltaic systems, as well as to make conforming changes to related sections of DOE's NEPA regulations. 89 FR 34074. These changes will help ensure that DOE conducts an appropriate and efficient environmental review of proposed projects that normally do not result in significant environmental impacts.

II. Correction

In FR Doc. 2024–09186 appearing on pg. 34093 in the **Federal Register** of Tuesday, April 30, 2024, the following correction is made:

On pg. 34093 in the first column, correct paragraph M, Congressional

Notification, to read: “As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to its effective date. The report will state that the Office of Information and Regulatory Affairs has determined that the rule does not meet the criteria set forth in 5 U.S.C. 804(2).”

Signing Authority

This document of the Department of Energy was signed on May 8, 2024, by Samuel T. Walsh, General Counsel, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on May 8, 2024.

Treena V. Garrett,

*Federal Register Liaison Officer, U.S.
Department of Energy.*

[FR Doc. 2024-10415 Filed 5-10-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2023-2397; Project Identifier MCAI-2023-00601-T; Amendment 39-22730; AD 2024-07-09]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD-700-1A10 and BD-700-1A11 airplanes. This AD was prompted by the discovery that existing maintenance tasks do not detect the potential failure of the passenger door detent mechanism because there is no procedure for inspecting the passenger door locking mechanism. This AD requires revising the maintenance or inspection program, as applicable, to require use of a certain aircraft maintenance manual (AMM) task during accomplishment of a

specified maintenance check. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 17, 2024.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 17, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA-2023-2397; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Bombardier material, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-2999; email *ac.yul@aero.bombardier.com*; website *bombardier.com*.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at *regulations.gov* under Docket No. FAA-2023-2397.

FOR FURTHER INFORMATION CONTACT:

Gabriel Kim, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: *9-avs-nyaco-cos@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD-700-1A10 and BD-700-1A11 airplanes. The NPRM published in the **Federal Register** on December 22, 2023 (88 FR 88541). The NPRM was prompted by AD CF-2023-25, dated April 13, 2023 (referred to after this as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states time limited maintenance check (TLMC) item 52-11-00-201, “Passenger Door Mechanism Functional Test,” does not detect potential failure of the passenger door detent mechanism. Associated aircraft maintenance manual (AMM) task 52-

11-00-720-801, “Passenger Door Mechanism Functional Test,” does not provide a procedure for inspecting the passenger door locking mechanism.

In the NPRM, the FAA proposed to require revising the maintenance or inspection program, as applicable, to require use of a certain AMM task during accomplishment of a specified maintenance check. The FAA is issuing this AD to address potential failures of the uninspected detents (external handle detent and torque tube detent) in combination with a failure of the tension pot spring assembly. The unsafe condition, if not addressed, could result in the main passenger door opening during unpressurized flight.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2023-2397.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from NetJets Inc. The following presents the comment received on the NPRM and the FAA’s response to the comment.

Request To Refer to Most Recent AMM Revision Level

NetJets Inc. asked that the AMM task revision levels identified in the NPRM be changed, as there have been recent improvements to the documents. NetJets Inc. added that credit for the revisions currently listed should also be included in the proposed AD. Bombardier noted that the referenced AMM revision levels were revised during the public comment period of the NPRM.

The FAA provides the following clarification denoting that the requested changes are unnecessary. This AD requires incorporating the information specified in the referenced AMM revisions identified in figure 1 to paragraph (g) of this AD. The language in paragraph (g) of this AD allows the incorporation of the specific information, regardless of the AMM revision level in use, provided the language is identical to the information provided in Task 52-11-00-720-801, specified in the applicable AMMs specified in figure 1 to paragraph (g) of this AD. The language in a later revision of the applicable AMMs specified in figure 1 to paragraph (g) of this AD may be incorporated if it is identical. Therefore, if operators incorporate later AMMs into the maintenance or inspection program, as applicable, with identical language they are in compliance with paragraph (g) of this AD. The FAA has confirmed that the revisions cited by the commenter are

identical to the revisions specified in this AD.

If the language provided in a later AMM revision is not identical to the language provided in the task specified in the applicable AMMs specified in figure 1 to paragraph (g) of this AD, operators must submit a request for approval of an alternate method of compliance (AMOC) with supporting data that demonstrates an acceptable level of safety for a task that differs from Task 52–11–00–720–801. The FAA has revised paragraph (g) of this AD to clarify that it's the information in the applicable AMM that is mandated and not limited to the AMM revision specified in figure 1 of paragraph (g) of this AD.

Additional Change to This AD

Paragraph (i) of this AD has been added to clarify that no changes to actions required by paragraph (g) of this AD are allowed without an AMOC, which also reinforces the provisions of paragraph (h) of this AD.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Task 52–11–00–720–801, "Functional Test of the Passenger Door Mechanism," Subject 52–11–00, "Passenger Door," Chapter 52, "Doors," of the following AMMs. This task specifies new inspection instructions for the passenger door detent mechanisms.

- Bombardier Global Express AMM, Part Two, Publication No. BD–700 AMM, Revision 97, dated March 30, 2023. (For obtaining the task for Bombardier Global Express AMM, Part Two, Publication No. BD–700 AMM, use Document Identification No. GL 700 AMM.)
- Bombardier Global 5000 AMM, Part Two, Publication No. BD–700 AMM,

Revision 78, dated March 30, 2023. (For obtaining the task for Bombardier Global 5000 AMM, Part Two, Publication No. BD–700 AMM, use Document Identification No. GL 5000 AMM.)

- Bombardier Global 5000 Featuring Global Vision Flight Deck AMM, Part Two, Publication No. GL 5000 GVFD AMM, Revision 45, dated March 30, 2023.
- Bombardier Global 5500 AMM, Part Two, Publication No. GL 5500 AMM, Revision 14, dated March 30, 2023.
- Bombardier Global 6000 AMM, Part Two, Publication No. GL 6000 AMM, Revision 46, dated March 30, 2023.
- Bombardier Global 6500 AMM, Part Two, Publication No. GL 6500 AMM, Revision 15, dated March 30, 2023.
- Bombardier Global Express XRS AMM, Part Two, Publication No. BD–700 XRS AMM, Revision 75, dated March 30, 2023. (For obtaining the task for Bombardier Global Express XRS AMM, Part Two, Publication No. BD–700 XRS AMM, use Document Identification No. GL XRS AMM.)

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.

Costs of Compliance

The FAA estimates that this AD, affects 482 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil

aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–07–09 Bombardier, Inc.: Amendment 39–22730; Docket No. FAA 2023–2397; Project Identifier MCAI–2023–00601–T.

(a) Effective Date

This airworthiness directive (AD) is effective June 17, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, serial numbers (S/Ns) 9002 through 60065 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by the discovery that existing maintenance tasks do not detect the potential failure of the passenger door detent mechanism because there is no procedure for inspecting the passenger door locking mechanism. The FAA is issuing this AD to address potential failures of the uninspected detents (external handle detent and torque tube detent) in combination with

a failure of the tension pot spring assembly. The unsafe condition, if not addressed, could result in the main passenger door opening during unpressurized flight.

(f) Compliance

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

(g) Maintenance or Inspection Program Task Restrictions

Within 30 days after the effective date of this AD, revise the existing maintenance or

inspection program, as applicable, to use the information specified in Aircraft Maintenance Manual (AMM) Task 52-11-00-720-801, "Functional Test of the Passenger Door Mechanism," Subject 52-11-00, "Passenger Door," Chapter 52, "Doors," of the applicable AMMs identified in figure 1 to paragraph (g) of this AD, when performing time limited maintenance check item 52-11-00-201.

Figure 1 to Paragraph (g)—Bombardier AMM

Airplane Model	Bombardier AMM
BD-700-1A10	Bombardier Global Express AMM, Part Two, Publication No. BD-700 AMM, Revision 97, dated March 30, 2023
BD-700-1A11	Bombardier Global 5000 AMM, Part Two, Publication No. BD-700 AMM, Revision 78, dated March 30, 2023
BD-700-1A11	Bombardier Global 5000 Featuring Global Vision Flight Deck AMM, Part Two, Publication No. GL 5000 GVFD AMM, Revision 45, dated March 30, 2023
BD-700-1A11	Bombardier Global 5500 AMM, Part Two, Publication No. GL 5500 AMM, Revision 14, dated March 30, 2023
BD-700-1A10	Bombardier Global 6000 AMM, Part Two, Publication No. GL 6000 AMM, Revision 46, dated March 30, 2023
BD-700-1A10	Bombardier Global 6500 AMM, Part Two, Publication No. GL 6500 AMM, Revision 15, dated March 30, 2023
BD-700-1A10	Bombardier Global Express XRS AMM, Part Two, Publication No. BD-700 XRS AMM, Revision 75, dated March 30, 2023

(h) AMM Revision Prohibition

After revising the maintenance or inspection program as required by paragraph (g) of this AD, it is prohibited to use AMM Task 52-11-00-720-801, dated May 19, 2022, or earlier.

(i) No Alternative Actions, Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.*, inspections), intervals, may be used unless the actions, intervals, are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (k)(2) of this AD. Information may be emailed to: 9-AVS-NYACO-COS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(k) Additional Information

(1) Refer to Transport Canada AD CF-2023-25, dated April 13, 2023, for related

information. This Transport Canada AD may be found in the AD docket at regulations.gov under Docket No. FAA-2023-2397.

(2) For more information about this AD, contact Gabriel Kim, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; email 9-avs-nyaco-cos@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (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 this AD specifies otherwise.

(i) Task 52-11-00-720-801, "Functional Test of the Passenger Door Mechanism," Subject 52-11-00, "Passenger Door," Chapter 52, "Doors," of Bombardier Global 5000 Aircraft Maintenance Manual (AMM), Part Two, Publication No. BD-700 AMM, Revision 78, dated March 30, 2023.

Note 1 to paragraph (I)(2)(i): For obtaining the task for Bombardier Global 5000 AMM, Part Two, Publication No. BD-700 AMM, use Document Identification No. GL 5000 AMM.

(ii) Task 52-11-00-720-801, "Functional Test of the Passenger Door Mechanism," Subject 52-11-00, "Passenger Door," Chapter 52, "Doors," of Bombardier Global 5000 Featuring Global Vision Flight Deck AMM, Part Two, Publication No. GL 5000 GVFD AMM, Revision 45, dated March 30, 2023.

(iii) Task 52-11-00-720-801, "Functional Test of the Passenger Door Mechanism," Subject 52-11-00, "Passenger Door," Chapter 52, "Doors," of Bombardier Global 5500 AMM, Part Two, Publication No. GL 5500 AMM, Revision 14, dated March 30, 2023.

(iv) Task 52-11-00-720-801, "Functional Test of the Passenger Door Mechanism," Subject 52-11-00, "Passenger Door," Chapter 52, "Doors," of Bombardier Global 6000 AMM, Part Two, Publication No. GL 6000 AMM, Revision 46, dated March 30, 2023.

(v) Task 52-11-00-720-801, "Functional Test of the Passenger Door Mechanism," Subject 52-11-00, "Passenger Door," Chapter 52, "Doors," of Bombardier Global 6500 AMM, Part Two, Publication No. GL 6500 AMM, Revision 15, dated March 30, 2023.

(vi) Task 52-11-00-720-801, "Functional Test of the Passenger Door Mechanism," Subject 52-11-00, "Passenger Door," Chapter 52, "Doors," of Bombardier Global Express AMM, Part Two, Publication No. BD-700 AMM, Revision 97, dated March 30, 2023.

Note 2 to paragraph (I)(2)(i): For obtaining the task for Bombardier Global Express AMM, Part Two, Publication No. BD-700 AMM, use Document Identification No. GL 700 AMM.

(vii) Task 52-11-00-720-801, "Functional Test of the Passenger Door Mechanism," Subject 52-11-00, "Passenger Door," Chapter 52, "Doors," of Bombardier Global Express XRS AMM, Part Two, Publication No. BD-700 XRS AMM, Revision 75, dated March 30, 2023.

Note 3 to paragraph (I)(2)(vii): For obtaining the task for Bombardier Global Express XRS AMM, Part Two, Publication No. BD-700 XRS AMM, use Document Identification No. GL XRS AMM.

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th 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 April 26, 2024.

James D. Foltz,

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

[FR Doc. 2024-09546 Filed 5-10-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-0771; Project Identifier AD-2023-01251-E; Amendment 39-22720; AD 2024-06-15]

RIN 2120-AA64

Airworthiness Directives; General Electric Company Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to certain General Electric Company (GE) Model GE90-110B1 and GE90-115B engines. As published, references to the service information include a typographical error in the regulatory text of the AD. This document corrects that error in all references. In all other respects, the original document remains the same.

DATES: This correction is effective May 14, 2024. The effective date of AD 2024-06-15 remains May 14, 2024. The date for submitting comments remains June 13, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 14, 2024 (89 FR 33215, April 29, 2024).

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2024-0771, 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 address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513)

552-3272; email: aviation.fleetsupport@ae.ge.com; website: ge.com.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at regulations.gov under Docket No. FAA-2024-0771.

FOR FURTHER INFORMATION CONTACT:

Alexander Thickstun, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (202) 267-8292; email:

alexander.m.thickstun@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 "FAA-2024-0771; Project Identifier AD-2023-01251-E" at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Alexander Thickstun, Aviation Safety Engineer, FAA, 2200

South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

AD 2024–06–15, Amendment 39–22720 (89 FR 33215, April 29, 2024), requires repetitive ultrasonic inspections (USIs) of the interstage high-pressure turbine (HPT) rotor seal for cracks and removal from service if necessary. As a mandatory terminating action to the repetitive USIs of the interstage HPT rotor seal, this AD requires replacement of the interstage HPT rotor seal.

Need for Correction

As published, paragraphs (c), (g)(1), (g)(1)(i) and (ii), and (g)(2) in the regulatory text of AD 2024–06–15 are incorrect. These paragraphs refer to the service information as “GE GE90–100 Service Bulletin (SB) 72–A0908 R00, dated July 7, 2023” and “GE SB 72–A0908.” The correct service information is “GE GE90–100 Service Bulletin (SB) 72–0908 R00, dated July 7, 2023” and “GE SB 72–0908.”

Related Service Information Under 14 CFR Part 51

The FAA reviewed GE GE90–100 Service Bulletin (SB) 72–0908 R00, dated July 7, 2023, which specifies procedures for performing a USI of the interstage HPT rotor seal. 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**.

Correction of Publication

This document corrects an error and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is publishing the entire rule in the **Federal Register**.

The effective date of this AD remains May 14, 2024.

Since this action only corrects a typographical error in the references to the service information, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that prior notice and public comment procedures are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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 [Corrected]

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

2024–06–15 General Electric Company:

Amendment 39–22720; Docket No. FAA–2024–0771; Project Identifier AD–2023–01251–E.

(a) Effective Date

This airworthiness directive (AD) is effective May 14, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) Model GE90–110B1 and GE90–115B engines with an installed interstage high-pressure turbine (HPT) rotor seal having a part number and serial number listed in Table 1 or Table 2 of GE GE90–100 Service Bulletin (SB) 72–0908 R00, dated July 7, 2023 (GE SB 72–0908).

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a report of an aborted takeoff due to left engine failure caused by liberation of the interstage HPT rotor seal rim. The FAA is issuing this AD to prevent failure of the HPT. The unsafe condition, if not addressed, could result in uncontained HPT failure, release of high-energy debris, damage to the engine, damage to the airplane, and possible loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Perform an ultrasonic inspection (USI) of the interstage HPT rotor seal in accordance with the Accomplishment Instructions, paragraph 3.B.(2), of GE SB 72–0908, as follows:

(i) Perform an initial USI before reaching the part cycles since new limit listed in Table 1 or Table 2, as applicable, of GE SB 72–0908, or within 10 flight cycles after the effective date of this AD, whichever occurs later; and

(ii) Repeat the USI thereafter within every 100 cycles or 175 cycles, as applicable, as

listed in Table 1 or Table 2 of GE SB 72–0908, since the last inspection.

(2) If, during any USI required by paragraph (g)(1)(i) or (ii) of this AD, a non-serviceable indication is found, as defined in paragraph 3.B.(2)(b) of GE SB 72–0908, before further flight, remove the interstage HPT rotor seal from service.

(h) Mandatory Terminating Action

As a terminating action to the repetitive USI required by paragraph (g)(1)(i) or (ii) of this AD, at the next engine shop visit after the effective date of this AD, remove the affected interstage HPT rotor seal from service.

(i) Definition

For the purpose of this AD, an “engine shop visit” is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except separation of engine flanges solely for the purposes of transportation of the engine without subsequent maintenance, which does not constitute an engine shop visit.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: ANE-AD-AMOC@faa.gov.

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

(k) Additional Information

For more information about this AD, contact Alexander Thickstun, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (202) 267–8292; email: alexander.m.thickstun@faa.gov.

(l) 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) General Electric Company GE90–100 Service Bulletin 72–0908 R00, dated July 7, 2023.

(ii) [Reserved]

(3) For service information identified in this AD, contact General Electric Company, 1 Newman Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: aviation.fleetssupport@ae.ge.com; website: ge.com.

(4) You may view this service information at the FAA, Airworthiness Products Section,

Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on May 2, 2024.

Victor Wicklund,

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

[FR Doc. 2024-10093 Filed 5-6-24; 11:15 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-2360; **Airspace**
Docket No. 23-AEA-24]

RIN 2120-AA66

Amendment of Class D and Class E Airspace; Huntington, WV

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace and Class E airspace extending upward from 700 feet above the surface for Tri-State/Milton J. Ferguson Field, Huntington, WV, and removes unnecessary verbiage from the descriptor header.

DATES: Effective 0901 UTC, September 5, 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 helps, 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:
Justin T. Rhodes, Operations Support

Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-5478.

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 in Huntington, WV. 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-2023-2360 in the **Federal Register** (88 FR 88854; December 26, 2023), to amend Class D airspace and E airspace extending upward from 700 feet above the surface for Tri-State/Milton J. Ferguson Field, Huntington, WV. 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 and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document 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 update to FAA Order JO 7400.11.

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 by adding that airspace extending upward from the surface within 1 mile on each side of the

Tri-State/Milton J. Ferguson Field 112° bearing extending from the 4-mile radius to 5.7 miles southeast of the airport and 292° bearing from the airport extending from the 4-mile radius to 5.8 miles northwest of the airport.

This action amends Class E airspace extending from 700 feet above the surface by increasing the radius to 8.3 miles (previously 8.2 miles) and adding that airspace within 2 miles on each side of the Tri-State/Milton J. Ferguson Field 112° bearing extending from the 8.3-mile radius to 10.2 miles southeast of the airport.

The Tri-State/Milton J. Ferguson Field Class D and Class E airspace is amended, in accordance with the 7400.2, by removing the city name from the descriptor header.

Subsequent to publication, the FAA found an error in the NPRM. The geographic coordinates of the airport were listed incorrectly, and the correct coordinates are (Lat 38°22'07" N, long 82°33'37" W). This action corrects this error.

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 exist that 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.

* * * * *

AEA WV D Huntington, WV [Amended]

Tri-State/Milton J. Ferguson Field, WV (lat 38°22'07" N, long 82°33'37" W)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4-mile radius of Tri-State/Milton J. Ferguson Field and 1 mile each side of the airport's 292° bearing extending from the 4-mile radius to 5.8 miles northwest of the airport and 1 mile each side of the airport's 112° bearing extending from the 4-mile radius to 5.7 miles southeast of the airport.

* * * * *

Paragraph 6005 Class E Airspace Areas extending upward from 700 feet or more above the Surface of the Earth.

* * * * *

AEA WV E5 Huntington, WV [Amended]

Tri-State/Milton J. Ferguson Field, WV (lat 38°22'07" N, long 82°33'37" W)

That airspace extending upward from 700 feet above the surface within an 8.3-mile radius of the Tri-State/Milton J. Ferguson Field Airport and 2 miles on each side of the airport's 112° bearing extending from the 8.3-mile radius to 10.2 miles southeast of the airport.

* * * * *

Issued in College Park, Georgia, on April 30, 2024.

Patrick Young,

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

[FR Doc. 2024–09716 Filed 5–10–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–2467; Airspace Docket No. 23–ASO–42]

RIN 2120–AA66

Amendment of Class E Airspace; Winder, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Barrow County Airport, Winder, GA. This action increases the existing radius and updates the airport's name and geographic coordinates to coincide with the FAA's database.

DATES: Effective 0901 UTC, July 11, 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: This final rule may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval helps, 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, as well as subsequent amendments, can be viewed online at www.faa.gov/air-traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Scott Stuart, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5926.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that

section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class E airspace in Winder, GA.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2023–2467 in the **Federal Register** (89 FR 4856; January 25, 2024), proposing to amend Class E airspace extending upward from 700 feet above the surface for Barrow County Airport, Winder, GA. 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 E airspace designations are published in Paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023. These updates would be published subsequently in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. 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 amendment to 14 CFR part 71 amends Class E airspace extending upward from 700 feet above the surface for Barrow County Airport, Winder, GA, by updating the airport name (formerly Winder Airport) and geographic coordinates to coincide with the FAA's database. Amends the radius to 7.1 miles, which is consistent with the outcome of airspace evaluation instead of the current 6.5 miles. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a “significant regulatory action” under Executive

Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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 exist that warrant the preparation of an environmental assessment.

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

* * * * *

ASO GA E5 Winder, GA [Amended]

Barrow County Airport, GA (Lat 33°58'58" N, long 83°40'02" W)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Barrow County Airport.

* * * * *

Issued in College Park, Georgia, on April 25, 2024.

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

[FR Doc. 2024–09646 Filed 5–10–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Parts 50, 51, and 71

[Public Notice: 12387]

RIN 1400–AF54

Third-Party Attendance at
Appointments for Passport, Consular
Report of Birth Abroad (CRBA), and
Certain Other Services

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule adopts as final the notice of proposed rulemaking (NPRM) published in the Federal Register on July 26, 2023. This final rule provides that private attorneys, interpreters, and other third parties may attend certain appointments at passport agencies and centers and at U.S. embassies and consulates overseas to assist the person requesting services (the applicant/requester). This rule permitting third-party attendance will apply only to appointments in support of an application for a U.S. passport, either domestically or overseas; to appointments related to a request for a Consular Report of Birth Abroad or a Certificate of Loss of Nationality of the United States (CLN); and to other appointments for certain other services offered by American Citizens Services (ACS) units at U.S. embassies and consulates overseas (posts). In addition, this final rule includes technical corrections to clarify who may act as a consular officer for purposes of the Protection and Welfare of Citizens and their Property.

DATES: The final rule is effective June 12, 2024.

FOR FURTHER INFORMATION CONTACT:
Jennifer Tinianow, Office of
Adjudication, Passport Services, (202)
485–8800, or email
PassportOfficeofAdjudicationGeneral@
state.gov.

SUPPLEMENTARY INFORMATION: The Department of State (Department) published a proposed rule (Public Notice 11999) on July 26, 2023, at 88 FR 48143, with 60 days provided for public comment. This final rule amends title 22 of the Code of Federal Regulations

(CFR) by updating parts 50, 51, and 71 to publish regulations regarding when attorneys, interpreters, or other third parties may attend an appointment either domestically or overseas for a U.S. passport, Consular Report of Birth Abroad (CRBA), Certificate of Loss of Nationality (CLN) services, or for certain other U.S. citizen services offered by ACS units at post.

Additionally, the final rule includes technical amendments to 22 CFR part 71 to clarify that appropriately designated Department employees, in addition to officers of the Foreign Service, may assist U.S. citizens seeking assistance at overseas posts. This change is consistent with federal law and regulations which were amended after 22 CFR part 71 was established in 1957.

Analysis of Comments

The comment period for the proposed rule closed September 25, 2023, after a 60-day comment period. Three comments were received. One comment expressed unqualified support for the rule, noting that third-party assistance at the applicant’s expense is crucial to disabled persons, the elderly, children, and many other people requesting U.S. citizens services. The other two comments also specifically expressed appreciation for the role that professional assistance of counsel may provide. The comments raised the following topics:

Topic 1: Qualifications of Attorney,
Other Third-Party Attendee

Two commenters expressed concern that the draft rule does not specify any qualifications that an attorney and/or other third party must have as a prerequisite to attending covered appointments. In particular, the commenters expressed concern about unauthorized practice of law.

The Department has previously considered whether to develop specific requirements that an individual must meet (and presumably establish to the satisfaction of the U.S. diplomatic or consular officer) to qualify as an “other third party” with a view, in part, to protect against unauthorized practice of law by, e.g., non-attorney immigration consultants. We have also considered whether to limit the definition of “attorney” to persons admitted to the bar of and licensed to practice in a U.S. state who are in good standing. However, in promulgating this rule, the Department is not seeking to regulate the person who a U.S. citizen chooses to accompany them to their appointment. While there is no Department-imposed requirement that an applicant/requester be represented

by an attorney or other third party (regardless of qualifications) to apply for a U.S. passport, Consular Report of Birth Abroad, or any other covered service, the Department recognizes that some U.S. citizens may wish for a private attorney, interpreter and/or other third party of their choice to physically accompany them to the appointment. Particularly when an individual is seeking to document their citizenship and/or request other services offered by the American Citizens Services Unit at a U.S. embassy or consulate, the Department's goal is to facilitate as much as possible a U.S. citizen's choice of whom, if anyone, they wish to accompany them. This discretion to choose may be critical for persons of limited resources who may not be able to afford an attorney, and/or for the most vulnerable, including the elderly or disabled. Additionally, time and resource constraints as well as logistical difficulties in establishing a set of required qualifications to apply equally in all cases, which would require post and/or headquarters to verify information to ensure compliance, would unnecessarily complicate and limit the applicant/requester's ability to identify someone who may be eligible to accompany them. The Department will confirm that the applicant/requester has asked the third party to be present and will verify that the third party is cleared by Diplomatic Security using the applicable security procedures. The Department will include appropriate language on its public-facing website about the policy that will also inform the public that: (1) the Department does not require anyone to have an attorney or other third party to obtain and/or attend an appointment for a covered service; (2) the Department neither requires a third party to have, nor does the Department check to ensure that a third party has, any specific qualifications (beyond meeting security requirements); and, (3) that permitting a third party to attend an appointment in no way constitutes an endorsement of the third party and/or a representation that the third party has certain, or any, qualifications and/or ability to provide any assistance to the applicant/requester.

Topic 2: Scope of Covered Appointments

One comment urged the Department to consider expanding the proposed rule to allow attorneys to accompany their clients to immigrant visa and nonimmigrant visa interviews at U.S. embassies and consulates abroad. For decades the Department has deferred to consular sections in deciding whether

attorneys or other third parties may be present at a visa interview; applying a uniform approach surrounding visa appointments does not account for the differing capacity, logistical, and security constraints, among other considerations that only the consular section can best assess. There are also different legal requirements and considerations pertaining to visa interviews that must be examined. For these reasons, we continue to defer to consular sections in deciding whether attorneys or other third parties may be present at a visa interview.

Topic 3: Proposed Amendments to 22 CFR 50.40(f)

One commenter requested that the Department "more clearly reflect and clarify" the view that an applicant's/requester's attorney may be present throughout all stages of the process to request a Certificate of Loss of Nationality of the United States (CLN), up to and including the administration of the oath of renunciation, as articulated by Edward A. Betancourt in his 2008 letter to the commenter (attached to the comment).

The Department recognizes the importance of consistent application across all posts of a rule permitting an attorney, interpreter, and/or other third party to attend interviews related to a request for a CLN and to be present (at the request of the U.S. citizen) when a U.S. diplomatic or consular officer administers an oath of renunciation to the U.S. citizen under Immigration and Nationality Act section 349(a)(5) (8 U.S.C. 1481). The Department intends to take all appropriate steps to ensure compliance with the terms of this rule, and will update guidance to its employees in its Foreign Affairs Manual (FAM). To the extent that the commenter may be requesting a change to the proposed text of the rule to "more clearly reflect and clarify" the views articulated by Edward A. Betancourt in 2008, the Department believes that the text of 22 CFR 50.40(f) is clear and consistent with such views and declines to further amend the text.

Specifically, 22 CFR 50.40(f) provides that individuals may, at their own expense, have a private attorney, interpreter, and/or other third party of their own choice physically present during *any in-person appointment*, including interview appointments, at a U.S. embassy or consulate abroad related to a request for a Certificate of Loss of Nationality (CLN) [emphasis added]. The words "any in-person appointment" clearly encompass any in-person appointment, including one at

which the oath of renunciation is administered.

Secondly, even though the text will generally permit an attorney's physical presence at any in-person appointment, consistent with the views expressed by Edward A. Betancourt in his 2008 letter, the text in 22 CFR 50.40(f)(4) clearly provides for diplomatic or consular officer discretion by stating the diplomatic or consular officer conducting the interview shall have the discretion to interview the individual alone, without an attorney and/or other third party present, when necessary to evaluate whether the individual has performed a potentially expatriating act independently, free from duress or coercion, and with intent to relinquish U.S. nationality.

While this text is somewhat broader than that which Edward A. Betancourt used in his 2008 letter (*i.e.*, Mr. Betancourt stated that the U.S. diplomatic or consular officer may exercise discretion in determining whether to permit an attorney to attend the oath of renunciation, whereas this rule covers any stage of the process as warranted by the circumstances), diplomatic or consular officer discretion supports the consular officer's responsibility to evaluate voluntariness and intent and helps ensure the integrity of the process at all stages, including at an initial interview.

Finally, although the text of 22 CFR 50.40(f) specifies that the requester must personally respond to the diplomatic or consular officer's questions, it does not preclude an attorney from addressing the consular officer should a legal question arise during the interview.

Regulatory Findings

Administrative Procedure Act

The Department published this rulemaking as a proposed rule and provided 60 days for public comment. The effective date of this final rule will be 30 days from date of publication.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities. Only individuals, and no small entities, apply for passports or CRBAs or other services offered by the American Citizens Services (ACS) units at U.S. embassies and consulates overseas.

Congressional Review Act

This rule has not been designated as “major” within the meaning of the Congressional Review Act, 5 U.S.C. 801 *et seq.*

Unfunded Mandates Act of 1995

This final rule does not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Executive Orders 12866, 14094, and 13563

The Department has reviewed this final rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866. Applicants appearing for passport and/or CRBA appointments, or seeking certain other services from an ACS unit overseas, occasionally request that a private attorney, interpreter, or other third party physically accompany them to the appointment; however, there is nothing in the Department’s regulations that currently addresses this. The Department finds that the cost of this rulemaking to the public is expected to be minimal and provides a potential benefit to individuals who wish an attorney, interpreter, or other third party to accompany them to a passport, CRBA, or other appointment at an ACS unit overseas. At the same time, those who wish to appear without being accompanied by such individuals may do so; this rulemaking does not mandate any change in the public’s behavior. Additionally, the Department does not anticipate that demand for passport, CRBA, or other services at ACS units overseas will change as a result of this rulemaking. In summary, the Department anticipates no substantive impact on the public from this final rule. The Department of State has considered this final rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

Executive Orders 12372 and 13132—Federalism

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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this

rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

Executive Order 13175—Consultation With Tribal Governments

The Department has determined that this rulemaking does not have tribal implications, does not impose substantial direct compliance costs on Indian tribal governments, and does not pre-empt tribal law. Accordingly, the requirements of E.O. 13175 do not apply to this rule.

Paperwork Reduction Act

This rulemaking does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects

22 CFR Part 50

Citizenship and Naturalization.

22 CFR Part 51

Passports.

22 CFR Part 71

Protection of U.S. citizens abroad.

Accordingly, for the reasons set forth in the preamble, 22 CFR parts 50, 51, and 71 are amended as follows:

PART 50—NATIONALITY PROCEDURES

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

Authority: 22 U.S.C. 2651a; 8 U.S.C. 1104 and 1401 through 1504.

- 2. Amend § 50.40 by adding paragraph (f) to read as follows:

§ 50.40 Certification of loss of U.S. nationality.

* * * * *

(f) Attorney or Other Third-Party Presence at In-Person CLN appointments. Individuals may, at their own expense, have a private attorney, interpreter, or other third party of their own choice physically present during any in-person appointment, including interview appointments, at a U.S. embassy or consulate abroad related to a request for a Certificate of Loss of Nationality (CLN); *provided that:*

(1) The individual and/or the attorney or other third party shall provide advance notice of the attorney’s or other third party’s intent to attend the CLN appointment in the manner specified by

the Department of State and/or the specific U.S. embassy or consulate where the appointment is to take place;

(2) The individual requesting the CLN must appear in person for the mandatory in-person interview appointment(s); attendance by an attorney or other third party shall not be in lieu of the individual’s in-person appearance;

(3) The diplomatic or consular officer will direct all interview questions to the individual requesting the CLN, and the individual must personally respond to the consular officer;

(4) The diplomatic or consular officer conducting the interview shall have the discretion to interview the individual alone, without an attorney or third-party present, when necessary to evaluate whether the individual has performed a potentially expatriating act independently, free from duress or coercion, and with intent to relinquish U.S. nationality;

(5) Nothing in this section abrogates any policies, security directives, and guidelines from the Department, Chief of Mission, or Diplomatic Security Service regarding admission to or conduct in the U.S. embassy or consulate. All persons entering a U.S. embassy or consulate shall comply with all policies, security directives, guidelines, and protocols including but not limited to those regarding security, identification, screening, electronic devices, recording, health, and conduct. Individuals may be refused entry or directed to leave the U.S. embassy or consulate for noncompliance with such policies, directives, guidelines, and protocols.

- 3. Add subpart D, consisting of § 50.52, to read as follows:

Subpart D—Third-Party Attendance at Appointments for Passport and Consular Report of Birth Abroad (CRBA) Appointments

§ 50.52 Attorney or other third-party assistance.

(a) A person appearing for a passport appointment at a passport agency or center domestically or a U.S. embassy or consulate overseas or for a Consular Report of Birth Abroad (CRBA) appointment overseas may be physically accompanied by a private attorney, interpreter, or other third party of their own choice at their own expense to provide assistance. All regulations related to passport and CRBA applications in this chapter continue to apply.

(1) An applicant and/or their third-party attendee or attorney may, at their own expense, bring their own

interpreter to any passport and/or CRBA appointment, provided the applicant or their attorney or third-party attendee provides advance notice of such attendance pursuant to guidance issued by the Department.

(2) Attendance by an attorney or other third party at the appointment does not excuse the in-person appearance of the applicant as outlined by 22 CFR 51.21 and 51.28.

(3) Nothing in this section abrogates any policies, security directives, and guidelines from the Department, Chief of Mission, or Diplomatic Security Service regarding admission to or conduct in a domestic passport agency or center or at a U.S. embassy or consulate overseas. All persons entering a domestic passport agency or center or a U.S. embassy or consulate overseas shall comply with all policies, security directives, guidelines, and protocols, including but not limited to those regarding security, identification, screening, electronic devices, recording, health, and conduct. Individuals may be refused entry or directed to leave the U.S. embassy or consulate for noncompliance with such policies, directives, guidelines, and protocols.

PART 51—PASSPORTS

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

Authority: 8 U.S.C. 1504; 18 U.S.C. 1621; 22 U.S.C. 211a, 212, 212b, 213, 213n (Pub. L. 106–113 Div. B, Sec. 1000(a)(7) [Div. A, Title II, Sec. 236], 113 Stat. 1536, 1501A–430); 214, 214a, 217a, 218, 2651a, 2671(d)(3), 2705, 2714, 2714a, 2721, & 3926; 26 U.S.C. 6039E; 31 U.S.C. 9701; 42 U.S.C. 652(k) [Div. B, Title V of Pub. L. 103–317, 108 Stat. 1760]; E.O. 11295, Aug. 6, 1966, FR 10603, 3 CFR, 1966–1970 Comp., p. 570; Pub. L. 114–119, 130 Stat. 15; Sec. 1 of Pub. L. 109–210, 120 Stat. 319; Sec. 2 of Pub. L. 109–167, 119 Stat. 3578; Sec. 5 of Pub. L. 109–472, 120 Stat. 3554; Pub. L. 108–447, Div. B, Title IV, Dec. 8, 2004, 118 Stat. 2809; Pub. L. 108–458, 118 Stat. 3638, 3823 (Dec. 17, 2004).

■ 5. Add § 51.29 to subpart B to read as follows:

§ 51.29 Attorney or other third-party assistance.

A person seeking passport services may be physically accompanied by an attorney, interpreter, or other third party of their own choice at their own expense in accordance with 22 CFR 50.52.

PART 71—PROTECTION AND WELFARE OF CITIZENS AND THEIR PROPERTY

■ 6. The authority citation for part 71 is revised to read as follows:

Authority: 22 U.S.C. 3904; 22 U.S.C. 2715; 22 U.S.C. 2715a; 22 U.S.C. 2715b; 22 U.S.C. 2715c; 22 U.S.C. 2671(b)(2); 22 U.S.C. 2671(d); 22 U.S.C. 2670(j); 22 U.S.C. 4196; 22 U.S.C. 4197.

■ 7. Revise § 71.1 to read as follows:

§ 71.1 Protection of Americans abroad.

(a) Consular officers shall perform such duties in connection with the protection of U.S. nationals abroad as may be required by regulations prescribed by the Secretary of State.

(b) U.S. citizens seeking protection, welfare, or other routine American Citizen Services, Special Consular Services, and consular crisis preparedness and response from an American Citizens Services Unit at a U.S. embassy or consulate may be assisted in related proceedings by a third party of their own choice at their own expense in accordance with 22 CFR 50.52.

(c) For purposes of this part, *consular officer* includes any United States citizen employee of the Department of State who is designated by the Deputy Assistant Secretary of State for Overseas Citizens Services to perform consular services overseas.

§ 71.5 [Amended]

■ 8. Amend § 71.5 by removing the words “officer of the Foreign Service” and adding “diplomatic or consular officer of the United States” in its place.

§ 71.6 [Amended]

■ 9. Amend § 71.6 by removing the words “Officers of the Foreign Service” and adding “Diplomatic or consular officers of the United States” in its place.

Rena Bitter,

Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2024–10245 Filed 5–10–24; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2024–0258]

Special Local Regulations; Recurring Marine Events, Seventh Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the 86th

Annual Brunswick Blessing of the Fleet event on May 11, 2024, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Seventh Coast Guard District identifies the regulated area for this event in Brunswick, GA. During the enforcement periods, no person or vessel may enter, transit through, anchor in, or remain within the regulated area unless authorized by the Coast Guard Patrol Commander or a designated representative.

DATES: The regulations in 33 CFR 100.701 will be enforced from 10 a.m. through 4 p.m., on May 11, 2024, for the regulated area listed in paragraph (d), Item No. 1 of Table 1 to § 100.701.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Anthony Harris, Marine Safety Unit Savannah Waterways Division, U.S. Coast Guard; telephone 912–210–8714, email at Anthony.E.Harris@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.701 for the 86th Annual Brunswick, Blessing of the Fleet event regulated area identified in paragraph (d) of Table 1 to § 100.701, Item No. 1, from 10 a.m. through 4 p.m. on May 11, 2024. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for recurring marine events within the Seventh Coast Guard District, § 100.701, Table 1 to § 100.701, paragraph (d), Item No.1, specifies the location of the regulated area for the Annual Brunswick Blessing of the Fleet event, which encompasses portions of the Brunswick River from the start of the East branch of the Brunswick River (East Brunswick River) to the Golden Isles Parkway Bridge. Under the provisions of 33 CFR 100.701, all persons and vessels are prohibited from entering the regulated area, except those persons and vessels participating in the event, unless they receive permission to do so from the Coast Guard Patrol Commander, or designated representative.

Under the provisions of 33 CFR 100.701, spectator vessels may safely transit outside the regulated area, but may not anchor, block, loiter in, impede the transit of festival participants or official patrol vessels or enter the regulated area without approval from the Coast Guard Patrol Commander or a designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation. In addition to this notice of enforcement in the

Federal Register, the Coast Guard will provide notice of the regulated area via Local Notice to Mariners, Marine Safety Information Bulletins, Broadcast Notice to Mariners, and on-scene designated representatives.

Dated: May 7, 2024.

Nathaniel L. Robinson,

Commander, U.S. Coast Guard, Captain of the Port Savannah, GA.

[FR Doc. 2024–10428 Filed 5–10–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 80

RIN 2900–AR68

Veteran and Spouse Transitional Assistance Grant Program

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is implementing provisions in the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act to establish the Veteran and Spouse Transitional Assistance Grant Program (VSTAGP). This final rule addresses general grant application procedures and requirements to apply for VSTAGP grant funding and adopts the proposed rule with some corrections and clarifying changes.

DATES: This rule is effective June 12, 2024.

FOR FURTHER INFORMATION CONTACT:

Lillian Miesemer, Senior Management and Program Analyst, Outreach, Transition and Economic Development, Veterans Benefits Administration, 1800 G Street SW, Washington, DC 20006; 202–461–9558 (this is not a toll-free telephone number). If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS) toll-free at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On July 5, 2023, VA published a proposed rule in the **Federal Register** (88 FR 42891) that would establish the VSTAGP program in 38 CFR 80.1 through 80.17 pursuant to section 4304 of Public Law 116–315, the *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020*, which was enacted on January 5, 2021.

VA provided a 30-day comment period, which ended on August 4, 2023. VA received four comments on the proposed rule. One of the four

comments was strongly in favor of the rule. We thank the commenter for their support and do not make any changes based on that comment.

The second of the four comments suggested grant recipients must have access to separating Service members and recently separated Service members. More specifically, the commenter advocated in favor of a means by which grant recipients can identify the geographical areas where separating Service members have relocated. Additionally, the commenter suggested that the Department of Defense (DoD) and VA should collaborate to encourage those enrolled in the DoD Transition Assistance Program (TAP) to take advantage of opportunities provided by recipients of grants under VA's VSTAGP program.

As noted in the proposed rule, a Notice of Funding Opportunity (NOFO) will be posted at *Grants.gov* (<https://www.grants.gov>) in accordance with § 80.4 of the proposed rule. The NOFO will require applicants for grant funding to submit proposals addressing detailed outreach strategies appropriate and tailored to the specific service delivery area served by the applicant. To meet this requirement, VA will recommend in the NOFO that applicants conduct an environmental scan as a component or means of strategic planning to gather information about available supports and services within the proposed geographic area to be served. Furthermore, the NOFO will require applicants for grant funding to demonstrate how their proposed program will promote active outreach to, recruitment of, and engagement with former members of the U.S. Armed Forces who are separated, retired, or discharged, as well as their spouses. Applicants for grant funding must design, develop, and execute program promotion and awareness activities as a part of their outreach. The NOFO will require applicants for grant funding to submit proposals explaining how their program will reach out to potentially eligible individuals, and how they will collaborate with local entities that may serve former members of the U.S. Armed Forces as well as their spouses (e.g., local military bases, VA Regional Offices, Veterans Service Organizations (VSO), faith-based organizations, social service agencies, community-based clinics, other job-training organizations), within their proposed geographic service delivery area to introduce the program to eligible participants. VA will encourage applicants to reach out to unique sub-groups of veterans and/or spouses who are likely experiencing inequitable access to jobs, job training

programs, and/or other employment services in the proposed service area.

Thus, VA will not be providing information regarding the geographical areas where separating Service members have relocated. Grant applicants will have to design, develop, and execute program promotion and awareness activities as part of their proposal, to include strategies for reaching the relevant population within their proposed geographic service delivery area. VA has no specific plans to address opportunities provided by VSTAGP grant recipients as part of the TAP curriculum but, as noted above, intends that grant applicants will be responsible for developing strategies for promotion and awareness of such services. In any event, the comments relating to how applicants are supposed to identify certain areas or populations to serve, as well as the comments relating to encouraging TAP participants to take advantage of opportunities resulting from VSTAGP grants, are beyond the scope of the rulemaking. We do not make any changes based on these comments.

The third and fourth comments were supportive of the proposed rule. The comments advocated for widespread accessibility of applications and establishment of clear evaluation criteria. VA agrees with both comments. To address the comment regarding the accessibility of applications, as required in § 80.4 of the proposed rule, and in accordance with 2 CFR 200.204, VA will publish a NOFO at *Grants.gov* (<https://www.grants.gov>). The NOFO will provide clear application procedures including detailed guidance and resources to help applicants apply for funding and navigate the application process.

Additionally, to address the comment regarding clear application criteria the NOFO will include detailed scoring criteria as required in § 80.7, with clearly identified point values for each evaluation criterion. VA will establish procedures to assess the technical merit of applications to ensure an objective review of applications. The NOFO will contain information regarding the evaluative criteria that will be used by the review panel to evaluate submitted applications to help applicants understand the standards against which an application will be scored. VA will execute a merit review process for all responsive applications, with the objective of selecting recipients most likely to be successful in delivering results based on the program objectives. See 2 CFR 200.205. This will ensure that: (1) applicants for grant funding have the opportunity to submit

proposals responsive to the solicitation, and (2) the application review process is clear and transparent to applicants.

Applicants will be able to view all application requirements in the NOFO once published to *Grants.gov* (<https://www.grants.gov>). We do not make any changes based on these comments.

VA is clarifying the definition of the term “institution of higher education (IHE),” as that term was defined in § 80.2(f) of the proposed rule as one of the various listed entities that would be eligible to receive a VSTAGP grant. In the proposed rule, VA had defined the term “IHE” in a general manner that referred to certain “public or private educational institution[s].” In the final rule, VA is clarifying that private educational institutions must be nonprofit. Specifically, VA adopts the established definition of IHE specified in 20 U.S.C. 1001 (“General definition of institution of higher education”), which provides that, to qualify, an educational institution must be “a public or other nonprofit institution,” *id.* 1001(a)(4); *see id.* 1001(b)(1). Clarifying that “IHE” refers to only public or other nonprofit educational institutions ensures that the IHE definition is aligned with the definitions of other possible grant recipients, which include government entities, nonprofit organizations, and nonprofit faith-based organizations. VA believes that applying standards to IHEs that are similar to those applied to other possible grant recipients will promote greater consistency in carrying out the purposes of this grant program in different locations nationwide.

In the heading for new part 80 and in § 80.1, we are correcting the erroneous reference to “Veteran Transitional Assistance Grant Program” in the proposed rule to “Veteran and Spouse Transitional Assistance Grant Program”. In §§ 80.2(h)(3), 80.7(b), 80.9 and 80.14, we are changing the use of “may” to “will” or “must” to be more definitive in those provisions. In § 80.5, we are also clarifying that there will be a limit of one application per submitting organization serving the same participant population and in the same geographic service area. In the third sentence of § 80.7(b), we are correcting the erroneous reference to “each selection” in the proposed rule to “each criterion”.

We also note that the proposed rule included two provisions which we inadvertently did not address in the preamble. In § 80.2(k), we define the term “In-demand industry sector or occupation” because the term is likely to be used in NOFOs. In § 80.3(f), we explain that a grant must be in an

amount that does not exceed 50 percent of the amount required by the grantee to provide the required services.

We are making technical changes in § 80.12(c) as proposed to remove material that is precatory, informational, or more appropriate for inclusion in the NOFO. We are thus removing the second sentence of the introductory text, paragraphs (1) and (2), and the second sentence of paragraph (3), and we are moving the first sentence of paragraph (c)(3), requiring grantees to participate in a VA-led evaluation, to the introductory text of paragraph (c).

VA adopts the proposed rule as final, with changes as discussed above.

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 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 final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). Receiving or not receiving a grant is unlikely to have a significant economic impact on small entity applicants. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603–604 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 final rule will have no such effect on State, local and Tribal governments or on the private sector.

Paperwork Reduction Act

This final rule contains provisions constituting three new collections of information and revisions to several current/valid collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). Both the new and revised collections of information 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. VA received no comments on the revised collections of information.

OMB has received the revised collections of information. OMB’s receipt of the revised collections of information is not an approval to conduct or sponsor an information collection under the Paperwork Reduction Act of 1995. In accordance with 5 CFR 1320, the revised collections of information associated with this rulemaking are not approved by OMB at this time. OMB’s approval of the revised collections of information will occur within 30 days after the final rulemaking publishes. If OMB does not approve the new collections of information as requested, VA will immediately remove the provision containing the new collections of information or take such other action as is directed by OMB.

This final rule also includes a provision constituting three new collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The new collections of information require approval by the Office of Management and Budget (OMB) and the assignment of a new OMB Control Number. Accordingly, under 44 U.S.C. 3507(d), VA has submitted a copy of this rulemaking to OMB for review and approval. VA received no comments on the new collections of information.

OMB Control Numbers 2900–0928, 2900–0929, and 2900–0930 have been assigned to the new collections of information associated with this final

rule. Assignment of these new OMB control numbers is not an approval to conduct or sponsor an information collection under the Paperwork Reduction Act of 1995. In accordance with 5 CFR 1320, the new collections of information associated with this rulemaking are not approved by OMB at this time. OMB's approval of the new collections of information will occur within 30 days after the final rulemaking publishes. If OMB does not approve the new collections of information as requested, VA will immediately remove the provision containing new collections of information or take such other action as is directed by OMB.

The collections of information contained in 38 CFR 80.5, 80.12 and 80.16 are described immediately following this paragraph.

Title: SF-424 Application for Federal Assistance.

OMB Control No: 4040-0004.

- *Summary of collection of information:* The new collection of information in proposed 38 CFR 80.5 would require VSTAGP grant applicants to submit the SF-424 as a minimum requirement to qualify for a VSTAGP grant.

- *Description of the need for information and proposed use of information:* The collection of information would be necessary to determine applicant eligibility for a VSTAGP grant. VA would use this information to score completed grant applications.

- *Description of likely respondents:* Eligible recipients, as defined in proposed § 80.2, that are interested in applying for a VSTAGP grant.

- *Estimated number of respondents:* 200 per year.

- *Estimated frequency of responses:* Annually.

- *Estimated average burden per response:* 1 hour.

- *Estimated total annual reporting and recordkeeping burden:* 1 hour.

- *Estimated annual cost to respondents for the hour burdens for collections of information:* According to the U.S. Bureau of Labor Statistics Mean Hourly Earnings, the cost to each respondent would be \$28.01, making the total cost for respondents an estimated \$5,602.00 (200 respondents × 1 burden hour × \$28.01 per hour). (Source: May 2021 BLS National Occupational Employment and Wage Estimates, Code: 00-0000, All Occupations: https://www.bls.gov/oes/current/oes_nat.htm#00-0000).

- *Estimated cost to the Federal Government:* There is no projected

incremental increase in the cost burden to the Federal Government with the requirement of the SF-424, Application for Federal Assistance. OTED currently has existing personnel, systems, and processes (or other resources) in place to receive and review their grant applications. Any additional cost for agency system development, maintenance, and enhancements should not be attributed to the use of SF-424, and therefore its use is not expected to alter annualized Federal costs.

Title: SF-424A Budget Information—Non-Construction Programs.

OMB Control No: 4040-0006.

- *Summary of collection of information:* The new collection of information in proposed 38 CFR 80.5 would require VSTAGP grant applicants to submit the SF-424A as a minimum requirement to qualify for a VSTAGP grant.

- *Description of the need for information and proposed use of information:* The collection of information would be necessary to determine applicant eligibility for a VSTAGP grant, to document proposed costs, and to determine allowability of proposed costs. VA would use this information to score completed grant applications and for general management of VSTAGP awards.

- *Description of likely respondents:* Eligible recipients, as defined in proposed § 80.2, that are interested in applying for a VSTAGP grant.

- *Estimated number of respondents:* 200 per year.

- *Estimated frequency of responses:* Annually.

- *Estimated average burden per response:* 3 hours.

- *Estimated total annual reporting and recordkeeping burden:* 3 hours.

- *Estimated annual cost to respondents for the hour burdens for collections of information:* According to the U.S. Bureau of Labor Statistics Mean Hourly Earnings, the cost to each respondent would be \$84.03, making the total cost for respondents an estimated \$16,806.00 (200 respondents × 3 burden hours × \$28.01 per hour). (Source: May 2021 BLS National Occupational Employment and Wage Estimates, Code: 00-0000, All Occupations: https://www.bls.gov/oes/current/oes_nat.htm#00-0000).

- *Estimated cost to the Federal Government:* There is no projected incremental increase in the cost burden to the Federal Government with the requirement of the SF-424A, Budget Information—Non-Construction Programs. OTED currently has existing

personnel, systems, and processes (or other resources) in place to receive and review their grant applications. Any additional cost for agency system development, maintenance, and enhancements should not be attributed to the use of the SF-424A, and therefore its use is not expected to alter annualized Federal costs.

Title: 4040-0010 Project/Performance Site Location(s).

OMB Control No: 4040-0010.

- *Summary of collection of information:* The new collection of information in proposed 38 CFR 80.5 would require VSTAGP grantees to submit the primary location and any other locations where project activity would occur.

- *Description of the need for information and proposed use of information:* The collection of information would be necessary to ensure adequate geographic coverage.

- *Description of likely respondents:* Eligible recipients, as defined in proposed § 80.2, that are interested in applying for a VSTAGP grant.

- *Estimated number of respondents:* 200 per year.

- *Estimated frequency of responses:* Annually.

- *Estimated average burden per response:* 5 minutes.

- *Estimated total annual reporting and recordkeeping burden:* 5 minutes.

- *Estimated annual cost to respondents for the hour burdens for collections of information:* According to the U.S. Bureau of Labor Statistics Mean Hourly Earnings, the cost to each respondent would be \$2.33, making the total cost for respondents an estimated \$466.83 (200 respondents × ((5 burden minutes × \$28.01 per hour)/60 minutes)). (Source: May 2021 BLS National Occupational Employment and Wage Estimates, Code: 00-0000, All Occupations: https://www.bls.gov/oes/current/oes_nat.htm#00-0000).

- *Estimated cost to the Federal Government:* There is no projected incremental increase in the cost burden to the Federal Government with the requirement of the 4040-0010 Project/Performance Site Location(s). OTED currently has existing personnel, systems, and processes (or other resources) in place to receive and review their grant applications. Any additional cost for agency system development, maintenance, and enhancements should not be attributed to the use of form 4040-0010 Project/Performance Site Location(s), and therefore its use is not expected to alter annualized Federal costs.

Title: 4040-0013 Certification Regarding Lobbying.

OMB Control No: 4040–0013.

• *Summary of collection of information:* The new collection of information in proposed 38 CFR 80.5 would require VSTAGP applicants to submit the Certification Regarding Lobbying form if requesting an award greater than \$100,000.

• *Description of the need for information and proposed use of information:* The collection of information would be necessary for applicants to attest to the certifications regarding lobbying. This collection may not be required of every applicant.

• *Description of likely respondents:* Eligible recipients, as defined in proposed § 80.2, that are interested in applying for a VSTAGP grant.

• *Estimated number of respondents:* 198 per year.

• *Estimated frequency of responses:* Annually.

• *Estimated average burden per response:* 15 minutes.

• *Estimated total annual reporting and recordkeeping burden:* 15 minutes.

• *Estimated annual cost to respondents for the hour burdens for collections of information:* According to the U.S. Bureau of Labor Statistics Mean Hourly Earnings, the cost to each respondent would be \$7.00, making the total cost for respondents an estimated \$1,386.49 (198 respondents × ((15 burden minutes × \$28.01 per hour)/60 minutes)). (Source: May 2021 BLS National Occupational Employment and Wage Estimates, Code: 00–0000, All Occupations: https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

• *Estimated cost to the Federal Government:* There is no projected incremental increase in the cost burden to the Federal Government with the requirement of the 4040–0013 Certification Regarding Lobbying. OTED currently has existing personnel, systems, and processes (or other resources) in place to receive and review grant applications. Any additional cost for agency system development, maintenance, and enhancements should not be attributed to the use of 4040–0013 Certification Regarding Lobbying, and therefore its use is not expected to alter annualized Federal costs.

Title: Quarterly Performance Reports (IT instrument).

OMB Control No: 2900–0928.

• *Summary of collection of information:* The new collection of information in proposed 38 CFR 80.12 would require VSTAGP grantees to submit quarterly performance reports.

• *Description of the need for information and proposed use of*

information: The collection of information would be necessary to monitor grantee performance and document the success of the program.

• *Description of likely respondents:* Grantees.

• *Estimated number of respondents:* 10 per year.

• *Estimated frequency of responses:* Quarterly.

• *Estimated average burden per response:* 1 hour per quarter.

• *Estimated total annual reporting and recordkeeping burden:* 4 hours.

• *Estimated annual cost to respondents for the hour burdens for collections of information:* According to the U.S. Bureau of Labor Statistics Mean Hourly Earnings, the cost to each respondent would be \$112.04, making the total cost for respondents an estimated \$1,120.40 (10 respondents × 4 burden hours × \$28.01 per hour). (Source: May 2021 BLS National Occupational Employment and Wage Estimates, Code: 00–0000, All Occupations: https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

• *Estimated cost to the Federal Government:* There is no projected incremental increase in the cost burden to the Federal Government with the requirement of the Quarterly Performance Reports (IT instrument). OTED currently has existing personnel, systems, and processes (or other resources) in place to receive and review grant applications. Any additional cost for agency system development, maintenance, and enhancements should not be attributed to the use of Quarterly Performance Reports (IT instrument), and therefore its use is not expected to alter annualized Federal costs.

Title: SF–425 Federal Financial Report.

OMB Control No: 4040–0014.

• *Summary of collection of information:* The new collection of information in proposed 38 CFR 80.12 would require VSTAGP grantees to submit quarterly financial reports to assess financial expenditure compliance under this grant program.

• *Description of the need for information and proposed use of information:* The collection of information would be necessary to monitor grantee compliance with financial requirements.

• *Description of likely respondents:* Grantees.

• *Estimated number of respondents:* 10 per year.

• *Estimated frequency of responses:* Quarterly.

• *Estimated average burden per response:* 1 hour per quarter.

• *Estimated total annual reporting and recordkeeping burden:* 4 hours.

• *Estimated annual cost to respondents for the hour burdens for collections of information:* According to the U.S. Bureau of Labor Statistics Mean Hourly Earnings, the cost to each respondent would be \$112.04, making the total cost for respondents an estimated \$1,120.40 (10 respondents × 4 burden hours × \$28.01 per hour). (Source: May 2021 BLS National Occupational Employment and Wage Estimates, Code: 00–0000, All Occupations: https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

• *Estimated cost to the Federal Government:* There is no projected incremental increase in the cost burden to the Federal Government with the requirement of the SF–425 Federal Financial Report. OTED currently has existing personnel, systems, and processes (or other resources) in place to receive and review grant applications. Any additional cost for agency system development, maintenance, and enhancements should not be attributed to the use of SF–425 Federal Financial Report, and therefore its use is not expected to alter annualized Federal costs.

Title: Additional Reports (IT instrument).

OMB Control No: 2900–0929.

• *Summary of collection of information:* The new collection of information in proposed 38 CFR 80.12 would require VSTAGP grantees to provide additional performance reports, as needed, to assess the provisions of services under this grant program.

• *Description of the need for information and proposed use of information:* The collection of information would be necessary to assess project accountability and effectiveness.

• *Description of likely respondents:* Grantees.

• *Estimated number of respondents:* 10.

• *Estimated frequency of responses:* Once.

• *Estimated average burden per response:* 1 hour.

• *Estimated total annual reporting and recordkeeping burden:* 1 hour.

• *Estimated annual cost to respondents for the hour burdens for collections of information:* According to the U.S. Bureau of Labor Statistics Mean Hourly Earnings, the cost to each respondent would be \$28.01, making the total cost for respondents an estimated \$280.10 (10 respondents × 1 burden hour × \$28.01 per hour). (Source: May 2021 BLS National

Occupational Employment and Wage Estimates, Code: 00–0000, All Occupations: https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

- *Estimated cost to the Federal Government:* There is no projected incremental increase in the cost burden to the Federal Government with the requirement of the Additional Reports (IT instrument). OTED currently has existing personnel, systems, and processes (or other resources) in place to receive and review grant applications. Any additional cost for agency system development, maintenance, and enhancements should not be attributed to the use of Additional Reports (IT instrument), and therefore its use is not expected to alter annualized Federal costs.

Title: Recordkeeping.

OMB Control No: 2900–0930.

- *Summary of collection of information:* The new collection of information in proposed 38 CFR 80.16 would require VSTAGP records to be maintained. VA officials are entitled access to any documents, papers, or other records which are pertinent to the VSTAGP award for audits, examinations, excerpts, and transcripts. This also includes timely and reasonable access to VSTAGP personnel for interviews and discussions related to such documents.

- *Description of the need for information and proposed use of information:* The collection of information would be necessary to access project records.

- *Description of likely respondents:* Grantees.

- *Estimated number of respondents:* 10.

- *Estimated frequency of responses:* Annually.

- *Estimated average burden per response:* 1 hour.

- *Estimated total annual reporting and recordkeeping burden:* 1 hour.

- *Estimated annual cost to respondents for the hour burdens for collections of information:* According to the U.S. Bureau of Labor Statistics Mean Hourly Earnings, the cost to each respondent would be \$28.01, making the total cost for respondents an estimated \$280.10 (10 respondents × 1 burden hour × \$28.01 per hour). (Source: May 2021 BLS National Occupational Employment and Wage Estimates, Code: 00–0000, All Occupations: https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

- *Estimated cost to the Federal Government:* There is no projected incremental increase in the cost burden to the Federal Government as a result of

this requirement. OTED currently has existing personnel, systems, and processes (or other resources) in place to receive and review their grant applications. Any additional cost for agency system development, maintenance, and enhancements should not be attributed to Recordkeeping, and therefore its use is not expected to alter annualized Federal costs.

Assistance Listing

The Assistance Listing number and title for the program affected by this document is 64.058, Veteran and Spouse Transitional Assistance Grant Program.

Congressional Review Act

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not satisfying the criteria under 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 80

Administrative practice and procedure, Armed forces, Employment, Grant programs—veterans, Reporting and recordkeeping requirements, Transition, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved and signed this document on April 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 amends 38 CFR chapter I by adding part 80 to read as follows:

PART 80—VETERAN AND SPOUSE TRANSITIONAL ASSISTANCE GRANT PROGRAM

Sec.

80.1 Purpose and use of grant funds.

80.2 Definitions.

80.3 Grants—general.

80.4 Notice of Funding Opportunity (NOFO).

80.5 Applications.

80.6 Additional factors for selecting applications.

80.7 Scoring and selection.

80.8 Disposition of applications.

80.9 Withdrawal of grant application.

80.10 Grant agreement.

80.11 Payments under the grant.

80.12 Grantee reporting requirements.

80.13 Termination of grant; recovery of funds.

80.14 Compliance review requirements.

80.15 Financial management.

80.16 Recordkeeping.

80.17 Non-appealability of grant award decisions.

Authority: 38 U.S.C. 501, 512; Pub. L. 116–315, sec. 4304.

§ 80.1 Purpose and use of grant funds.

Sections 80.1 through 80.17 establish the Veteran and Spouse Transitional Assistance Grant Program (VSTAGP). Under this program, VA may provide grants to eligible organizations defined in § 80.2 to provide transition services and intensive client centered case management services tailored to the unique employment needs of program participants to include, but not limited to such services, such as resume assistance, interview training, job recruitment training and related services, that will help in a successful transition from military to civilian life.

(Authority: Pub. L. 116–315, sec. 4304)

§ 80.2 Definitions.

For purposes of this part and any Notice of Funding Opportunity (NOFO) issued pursuant to this part:

(a) *Applicant* means an organization that submits an application for a VSTAGP grant as announced in a NOFO.

(b) *Eligible recipient (organization)* means one of the following:

- (1) State government;
- (2) County government;
- (3) Local government;
- (4) Institution of Higher Education;
- (5) Indian/Native American Tribal government (federally recognized);
- (6) Nonprofit organization; or
- (7) Faith-based organization;

(c) *State government* means any of the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State government.

(d) *County government* means a county government entity or any corresponding unit of government under any other name in States that do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

(e) *Local government* means a government entity for a county; borough; municipality; city; town; township; parish; local public authority

(including any public housing agency under the United States Housing Act of 1937); special district; school district; intrastate district; council of governments, whether or not incorporated as a nonprofit corporation under state law; and any other agency or instrumentality of a multi-regional, intra-State or local government.

(f) *Institution of Higher Education (IHE)* means—

(1) An educational institution in any State that—

(i) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of 20 U.S.C. 1091(d);

(ii) Is legally authorized within such State to provide a program of education beyond secondary education;

(iii) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary of Education;

(iv) Is a public or other nonprofit institution; and

(v) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary of Education for the granting of pre-accreditation status, and such Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time;

(2) Any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (f)(1)(i), (ii), (iv) and (v) of this section; and

(3) A public or nonprofit private educational institution in any State that, in lieu of the requirement in paragraph (f)(1)(i) of this section, admits as regular students individuals—

(i) Who are beyond the age of compulsory school attendance in the State in which the institution is located; or

(ii) Who will be dually or concurrently enrolled in the institution and a secondary school.

(g) *Indian/Native American Tribal government (federally recognized)* means a governing body of a tribe, band,

pueblo, community, village, or group of native American Indians, or Alaska Natives, that qualifies as an Indian tribal government upon a determination by the Internal Revenue Service that the governing body exercises governmental functions.

(h) *Nonprofit organization* means any corporation, trust, association, cooperative, or other organization, not including IHEs, that:

(1) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(2) Is not organized primarily for profit; and

(3) Uses net proceeds to maintain, improve, or expand the operations of the organization. In accordance with section 18 of the Lobbying Disclosure Act of 1995 (Pub. L. 104–65) (codified at 2 U.S.C. 1611), non-profit entities incorporated under section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are not eligible to receive Federal funds or grants. (Note: After receiving a grant, such organization must not engage in any activities, including awareness-raising or advocacy activities, that include fundraising for, or lobbying of, U.S. Federal, State, or local governments (see 2 CFR 200.450 for more information).)

(i) *Faith-based organization* means a nonprofit organization that is affiliated with, supported by, or based on a religion or religious group.

(j) *Grantee* means an applicant that is awarded a grant under this part.

(k) *In-demand industry sector or occupation* means:

(1) An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(2) An occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

(l) *Notice of Funding Opportunity (NOFO)* means a Notice of Funding Opportunity published by VA at *Grants.gov* (<https://www.grants.gov>) alerting eligible entities of the availability of VSTAGP grants and containing information about the VSTAGP grant application process in accordance with § 80.4.

(m) *Grant agreement* means a legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that is consistent with 31 U.S.C. 6302 and 6304.

(n) *Participant* means a former member of the U.S. Armed Forces who was separated, retired, or discharged from the U.S. Armed Forces, or spouse of such former member, who receives services for which a VSTAGP grant is awarded.

(o) *Spouse* means an individual lawfully married to a former member of the U.S. Armed Forces who was separated, retired, or discharged from the U.S. Armed Forces.

(p) *Covered public health emergency* means an emergency with respect to COVID–19 declared by a Federal, State, or local authority in accordance with Public Law 117–4, sec. 2(e)(3).

(Authority: Pub. L. 116–315, sec. 4304)

§ 80.3 Grants—general.

(a) *Grants.* VA will award VSTAGP grants to eligible applicants selected under § 80.8(a)(1).

(b) *Maximum amounts.* The maximum amount to be awarded to each grantee and the total maximum amount for all grants will be specified in the annually published NOFO.

(c) *Number of grants awarded.* The number of grants VA will award will depend on the total amount of grant funding available at VA's discretion and the funding amount awarded to each grantee, which is based on each grantee's proposal.

(d) *Grant award limitation.* An eligible entity may receive only one VSTAGP grant, and only one VSTAGP grant will be awarded in any one location as specified in the NOFO.

(e) *Period of performance.* VSTAGP grants will be awarded for a maximum period of 5 years, beginning on the date on which the VSTAGP grants are awarded. They will not be extended or renewed.

(f) *Amount of grant.* A grant under this section shall be in an amount that does not exceed 50% of the amount required by the organization to provide the services described in § 80.1.

(g) *No participant charges.* A grantee may not charge any participants a fee for services provided by the grantee or require any participants to participate in other activities sponsored by the grantee as a condition of receiving services for which the VSTAGP grant is made.

(Authority: Pub. L. 116–315, sec. 4304)

§ 80.4 Notice of Funding Opportunity (NOFO).

When funds are available for VSTAGP grants, VA will publish a NOFO at *Grants.gov* (<https://www.grants.gov>). The NOFO will identify:

- (a) The location for obtaining VSTAGP grant applications, including the specific forms that will be required;
- (b) The date, time, and place for submitting completed VSTAGP grant applications;
- (c) Priority population categories;
- (d) The estimated total amount of funds available and the maximum funds available to a single grantee;
- (e) Matching funds requirements;
- (f) The minimum number of total

points and points per category that an applicant must receive to be considered for a grant and information regarding the scoring process;

- (g) Any timeframes and manner for payments under the VSTAGP grant;
- (h) A description of eligible entities or other eligibility requirements necessary to receive the grant; and
- (i) Other information necessary for the VSTAGP grant application process, as determined by VA, including contact information for the office that will oversee the VSTAGP within VA.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

§ 80.5 Applications.

To apply for a grant, an eligible entity must submit a complete application package to VA, as described in the NOFO. There will be a limit of one application per submitting organization serving the same participant population and in the same geographic service area. Applications will be accepted only through *www.grants.gov*.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

(Approved by the Office of Management and Budget under control numbers 2900–8080, 4040–0006, 4040–0010, and 4040–0013.)

§ 80.6 Additional factors for selecting applications.

(a) *Applicant's performance on prior award.* VA may consider the applicant's noncompliance with requirements applicable to prior VA or other agency awards as reflected in past written evaluation reports and memoranda on performance and the completeness of required prior submissions.

(b) *Applicant's fiscal integrity.* Applicants must meet and maintain standards of fiscal integrity for participation in Federal grant programs as reflected in 2 CFR 200.205.

(c) *Priority preference.* Priority preference will be given to organizations that either provide multiple forms of services or are located in a State with:

(1) A high rate of unemployment among Veterans;

(2) A high rate of usage of unemployment benefits for recently separated members of the Armed Forces; or

(3) A labor force or economy that has been significantly impacted by a covered public health emergency.

(d) *Risk assessment evaluation.* VA will conduct a formal assessment, prior to award, of the applicant's financial capability, adequacy of accounting system, and internal controls to assess the risk posed by each applicant.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

§ 80.7 Scoring and selection.

(a) *Scoring.* VA will only score complete applications received from eligible applicants by the deadline established in the NOFO. The applications must meet the minimum criteria set forth in the NOFO and will be scored as specified in the NOFO, as set forth in § 80.4.

(b) *Selection of recipients.* All complete applications will be scored using the criteria in paragraph (a) of this section and ranked in order of highest to lowest total score. NOFO announcements may also clarify the selection criteria in paragraph (a) of this section. The relative weight (point value) for each criterion will be specified in the NOFO. VA will award VSTAGP grants on the primary basis of the scores but will also consider additional factors listed in § 80.6.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

§ 80.8 Disposition of applications.

(a) *Disposition of applications.* Upon review of an application and dependent on the availability of funds, VA will:

(1) Approve the application for funding, in whole or in part, for such amount of funds, and subject to such conditions that VA deems necessary or desirable;

(2) Determine that the application is of acceptable quality for funding, in that it meets minimum criteria, but disapprove the application for funding because it does not rank sufficiently high in relation to other applications to qualify for an award based on the level of funding available, or for another reason as provided in the decision document; or

(3) Defer action on the application for such reasons as lack of funds or a need for further review.

(b) *Notification of disposition.* VA will notify the applicant in writing of the disposition of the application. A signed grant agreement form, as defined

in § 80.10, will be issued to the applicant of an approved application.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

§ 80.9 Withdrawal of grant application.

Applicants may withdraw a VSTAGP application submitted through *Grants.gov* by writing to the specified VA point of contact. An applicant must provide a rationale for the withdrawal request as specified in the NOFO.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

§ 80.10 Grant agreement.

(a) VA will draft a VSTAGP grant agreement to be executed by VA and the grantee.

(b) The VSTAGP grant agreement will provide that the grantee agrees to, and will ensure that each subgrantee (if applicable) agrees to:

(1) Operate the project in accordance with this part and the terms of the agreement.

(2) Abide by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards under 2 CFR parts 25, 170, and 200 if applicable.

(3) Comply with such other terms and conditions, including recordkeeping and reports for project monitoring and evaluation purposes, as VA may establish for purposes of carrying out the VSTAGP effectively and efficiently and as described in the NOFO; and

(4) Provide any necessary additional information requested by VA in the manner and timeframe specified by VA.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

§ 80.11 Payments under the grant.

(a) *Payments.* Grantees are to be paid in accordance with the timeframes and manner set forth in the NOFO.

(b) *Availability of grant funds.* Federal financial assistance will become available subsequent to the effective date of the grant as set forth in the grant agreement. Recipients will not be reimbursed for costs resulting from obligations incurred before the effective date of the grant.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

§ 80.12 Grantee reporting requirements.

(a) *Quarterly reports.* All grantees must submit to VA quarterly reports, as required in the NOFO, within 30 days after the last day of each quarter based on the Federal fiscal year—with the first report due not later than 30 days after the last day of the quarter for which a grant is paid under this part—which includes the following information:

(1) Record of time and resources expended in outreach activities and the methods used;

(2) The number of participants served, including demographics of this population;

(3) Types of assistance provided;

(4) A full accounting of VSTAGP grant funds received from VA and used or unused funds during the quarter; and

(5) Results of routine monitoring and any project variations.

(b) *Final report.* Per 2 CFR 200.344, all grantees must submit to VA, not later than 120 days after the last day of the grant period (as defined in the NOFO) for which a grant is awarded under this part, a final report that meets the requirement set forth in the NOFO. The last quarterly performance and financial report received will be recorded as the final report. The financial report shall be noted as “Final” on the SF-425 Federal Financial Report.

(c) *Additional reports.* VA may request additional reports to allow VA to assess project accountability and effectiveness. In addition, recipients are required to participate in a VA-led evaluation if selected, which may be carried out by a third-party on behalf of VA.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

(Approved by the Office of Management and Budget under control number 2900–0928 (Quarterly Performance Reports), 4040–0014, and 2900–0929 (Additional Reports).)

§ 80.13 Termination of grant; recovery of funds.

(a) *Termination of grant.* VA may terminate a grant agreement with any VSTAGP grantee that does not comply with the terms of the VSTAGP agreement.

(b) *Recovery of funds.* VA may recover from the grantee any funds paid if the grantee violates the grant agreement or may recover any funds that have not been used in accordance with a VSTAGP grant agreement. If VA decides to recover funds, VA will issue the grantee a notice of intent to recover VSTAGP grant funds. The grantee will then have 30 days from the date of the notice to submit documentation demonstrating why the VSTAGP grant funds should not be recovered. If the VSTAGP grantee does not respond or if the grantee responds, but VA determines the documentation is insufficient to establish compliance, VA will make a final determination to recover the VSTAGP grant funds. If VA determines that the grantee did not violate the grant agreement, VA will make a final determination not to recover the grant funds.

(c) *Prohibition of further payment of grant funds.* When VA determines that action will be taken to recover grant funds from a grantee, the grantee will be prohibited from receiving any further VSTAGP grant funds under this part until the grant funds are recovered and the condition that led to the recovery of the grant funds is resolved, unless the grant agreement has been terminated. If the grant agreement has been terminated, no future payments would be issued upon recovery.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

§ 80.14 Compliance review requirements.

(a) *Site visits.* VA will conduct, as needed, site visits to grantee locations to review grantee accomplishments and management control systems.

(b) *Inspections.* VA will conduct, as needed, inspections of grantee records to determine compliance with the provisions of this part. All visits and evaluations will be performed with minimal disruption to the grantee to the extent practicable.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.203)

§ 80.15 Financial management.

(a) *Compliance.* All recipients will comply with applicable requirements of the Single Audit Act Amendments of 1996, as implemented by 2 CFR part 200.

(b) *Financial Management.* All grantees must use a financial management system that complies with 2 CFR part 200. Grantees must meet the applicable requirements of the Office of Management and Budget’s regulations on Cost Principles at 2 CFR 200.400 through 200.475.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.400 through 200.475)

§ 80.16 Recordkeeping.

Grantees must ensure that records are maintained in accordance with 2 CFR 200.337. Grantees must produce such records at VA’s request.

(Authority: Pub. L. 116–315, sec. 4304; 2 CFR 200.337)

(Approved by the Office of Management and Budget under control number 2900–0930 (Recordkeeping).)

§ 80.17 Non-appealability of grant award decisions.

Grant award decisions are discretionary and are not subject to appeal to any VA official or board.

[FR Doc. 2024–09862 Filed 5–10–24; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2023–0338; FRL–11798–02–R4]

Air Plan Approval; KY; Revisions to Jefferson County Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving changes to the Jefferson County portion of the Kentucky State Implementation Plan (SIP) submitted by the Commonwealth of Kentucky through the Kentucky Energy and Environment Cabinet (Cabinet) on May 31, 2023. The changes were submitted by the Cabinet on behalf of the Louisville Metro Air Pollution Control District (District, also referred to herein as Jefferson County). EPA is approving changes to the District’s definitions rule to include a list of “trivial activities” in a new appendix; update the incorporation by reference date of the Federal air quality regulation that excludes certain organic compounds from the definition of “volatile organic compounds (VOC);” and make minor grammatical changes. This action is pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

DATES: This rule is effective June 12, 2024.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2023–0338. All documents in the docket are listed on the [regulations.gov](https://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 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:

Simone Jarvis, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8393. Ms. Jarvis can also be reached via electronic mail at Jarvis.Simone@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

On May 31, 2023, the Commonwealth of Kentucky submitted changes to the Jefferson County portion of the Kentucky SIP for EPA approval.^{1 2} In this rulemaking, EPA is approving changes to Regulation 1.02, *Definitions*.

Through a notice of proposed rulemaking (NPRM) published on March 7, 2024 (89 FR 16496), EPA proposed to approve changes to the District's Regulation 1.02, *Definitions*, which included a list of "trivial activities" in a new appendix, updated the incorporation by reference date of the Federal air quality regulation that excludes certain organic compounds from the definition of "volatile organic compounds (VOC)," and made minor grammatical changes. In this rulemaking, EPA is finalizing its approval of the District's May 31, 2023, request to incorporate Version 16 of Regulation 1.02 into the SIP, replacing Version 15. EPA is not approving the change to the definition of "Acute noncancer effect" because that definition is not approved into the SIP, and EPA is not incorporating that definition into the SIP from Version 16. EPA's rationale for approving the changes is described in the March 7, 2024, NPRM. Comments on the March 7, 2024, NPRM were due on or before April 8, 2024. EPA received one set of comments, which is discussed in the next section of this rulemaking notice.

II. Response To Comment

EPA received one set of comments on the March 7, 2024, NPRM. This set of comments, submitted by a member of

the general public, consists of several statements associated with website hyperlinks. It is unclear how these comments are relevant to the proposal, how the hyperlinked materials support the comments, and how, or whether, the commenter would like EPA to change the proposal. Furthermore, as noted in the March 7, 2024, NPRM, EPA generally will not consider comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file-sharing system) such as the hyperlinked materials. For these reasons, the comments require no further response, and we are finalizing the action as proposed.

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 discussed in Section I this preamble, EPA is finalizing the incorporation by reference of Jefferson County Regulation 1.02, Version 16, *Definitions*, locally effective on March 15, 2023, except for the definition of "Acute noncancer effect." 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.³

IV. Final Action

EPA is approving the aforementioned changes to Regulation 1.02, *Definitions*, submitted on May 31, 2023, except for the change to the definition of "Acute noncancer effect," because that definition is not approved into the SIP. EPA has determined that the requested changes in Kentucky's May 31, 2023, SIP revision will not interfere with any applicable requirement concerning attainment, or any other applicable requirement of the CAA.

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

¹ The May 31, 2023, submittal also contains changes to Jefferson County Regulation 1.11, *Control of Open Burning*, in the Jefferson County portion of the Kentucky SIP. EPA intends to address these changes in a separate rulemaking.

² In 2003, the City of Louisville and Jefferson County governments merged, and the "Jefferson County Air Pollution Control District" was renamed the "Louisville Metro Air Pollution Control District." However, to be consistent with the terminology used in the subheading in Table 2 of 40 CFR 52.920(c), throughout this notice we refer to the District regulations contained in the Jefferson County portion of the Kentucky SIP as the "Jefferson County" regulations.

³ See 62 FR 27968 (May 22, 1997).

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.”

Jefferson County did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent

with the stated goal of E.O. 12898 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 12, 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: April 30, 2024.

Jeaneanne Gettle,

Acting Regional Administrator, Region 4.

For the reasons stated in the preamble, 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 S—Kentucky

- 2. In § 52.920(c), in Table 2 under the center heading “Reg 1—General Provisions” revise the entry for 1.02 to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

TABLE 2 TO PARAGRAPH (C)—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY

Reg	Title/subject	EPA approval date	Federal Register notice	District effective date	Explanation
Reg 1—General Provisions					
1.02	Definitions	May 13, 2024.	[Insert first page of Federal Register citation].	3/15/2023	Except for the definition of “Acute non-cancer effect.”

* * * * *

[FR Doc. 2024–09730 Filed 5–10–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2023–0458; FRL–11759–02–R4]

Air Plan Approval; Tennessee; Revisions to the Continuous Opacity Monitoring System Requirements

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 Tennessee through the Department of Environment and Conservation (TDEC), Division of Air Pollution Control, via a letter dated September 28, 2022. Specifically, EPA is finalizing the approval of a SIP revision which modifies the State’s required monitoring standards by adding exemptions to opacity monitoring requirements. EPA is approving this revision pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective June 12, 2024.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2023–0458. All documents in the docket are listed on the [regulations.gov](https://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 Multi-Air Pollutant Coordination 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: Faith Goddard, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8757. Ms. Goddard can also be reached via electronic mail at Goddard.Faith@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On September 28, 2022,¹ TDEC submitted a SIP revision revising monitoring standards in Chapter 1200–3–10, *Required Sampling, Recording, and Reporting*, of the Tennessee SIP by adding exemptions to opacity monitoring requirements at paragraph (1)(b)1. of Tennessee Rule 1200–3–10–.02, *Monitoring of Source Emissions, Recording, and Reporting of the Same are Required*. The SIP revision to the State's monitoring requirements: (1) removes a cross-reference at Rule 1200–3–10–.02(1)(b)1.(i) to Tennessee Rule 1200–3–16–.02 for the definition of fossil fuel-fired steam generators; (2) adds a new definition of “fossil fuel-fired steam generator” to Rule 1200–3–10–.02(1)(b)1.(i); and (3) adds new subparagraphs III and IV to paragraph (1)(b)1.(i)(I) to provide a third alternative for fossil fuel-fired steam generators to be exempted from the continuous opacity monitoring system requirement and to adopt and incorporate the relevant standards of 40 CFR part 63, subpart UUUUU by reference.

Through a notice of proposed rulemaking (NPRM), published on March 1, 2024 (89 FR 15098), EPA proposed to approve Tennessee's September 28, 2022, SIP revision. In that NPRM, EPA proposed to determine that the SIP revision to allow certain sources to use alternative monitoring procedures, based on an approach to opacity monitoring in EPA's New Source Performance Standards for steam generating units, at 40 CFR part 60, subparts D and Da, and National Emission Standards for Hazardous Air Pollutants for steam generating units, at 40 CFR part 63, subpart UUUUU, is consistent with Section 3.9 of Appendix P of 40 CFR part 51 and satisfies CAA

section 110(l). Additional details on the revision, as well as EPA's rationale for approval, are explained in the March 1, 2024, NPRM. Comments on the March 1, 2024, NPRM were due on or before April 1, 2024. EPA received one set of comments, which is discussed in the next section of this rulemaking notice.

II. Response to Comment

EPA received one set of comments on the March 1, 2024, NPRM. This set of comments, submitted by a member of the general public, consists of several statements associated with website hyperlinks. It is unclear how these comments are relevant to the proposal, how the hyperlinked materials support the comments, and how, or whether, the commenter would like EPA to change the proposal. Furthermore, as noted in the March 1, 2024, NPRM, EPA generally will not consider comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file-sharing system) such as the hyperlinked materials. For these reasons, the comments require no further response and we are finalizing the action as proposed.

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 discussed in Sections I of this preamble, EPA is finalizing the incorporation by reference of TDEC Regulation 1200–3–10–.02, *Monitoring of Source Emissions, Recording, and Reporting of the Same are Required*, state-effective August 31, 2022,² which adds exemptions to opacity monitoring requirements to the State's SIP-approved monitoring standards. 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 SIP, 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.³

IV. Final Action

EPA is finalizing approval of Tennessee's September 28, 2022, SIP revision to air quality rules in the Tennessee SIP. Specifically, EPA is approving a revision to TDEC Regulation 1200–3–10–.02, *Monitoring of Source Emissions, Recording, and Reporting of the Same are Required*, into the Tennessee SIP. This revision adds exemptions to opacity monitoring requirements to the State's SIP-approved monitoring standards to allow for alternative monitoring procedures for certain sources, consistent with the CAA.

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

¹ EPA received the September 28, 2022, submittal on October 3, 2022. For clarity, throughout this action EPA will refer to the October 3, 2022, submission by its cover letter date of September 28, 2022.

² The August 31, 2022, State effective version of the Rule removes 1200–3–10–.02(1)(b)1.(i)(II) and 1200–3–10–.02(1)(b)1.(i)(III) due to an administrative error and contains language changes to 1200–3–10–.02(2)(b)2. that are not before EPA for approval into the SIP. EPA is therefore not incorporating these changes to the SIP, and these three provisions remain in the SIP with a February 5, 2013, State effective date.

³ *See* 62 FR 27968 (May 22, 1997).

• 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.”

TDEC did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 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 July 12, 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, Incorporation by Reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: April 30, 2024.

Jeaneanne Gettle,

Acting Regional Administrator, Region 4.

For the reasons stated in the preamble, 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 RR—Tennessee

■ 2. In § 52.2220(c), amend Table 1 under “CHAPTER 1200–3–10 REQUIRED SAMPLING, RECORDING, AND REPORTING” by revising the entry for “Section 1200–3–10-.02,” “Monitoring of Source Emissions, Recording, and Reporting of the Same are Required.”

The revision reads as follows:

§ 52.2220 Identification of plan.

* * * * *
(c) * * *

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
CHAPTER 1200–3–10 REQUIRED SAMPLING, RECORDING, AND REPORTING				
*	*	*	*	*
Section 1200–3–10-.02 ..	Monitoring of Source Emissions, Recording, and Reporting of the Same are Required.	8/31/2022	05/13/2024, ... [Insert first page of Federal Register citation].	Except for 1200–3–10-.02(2)(b)2., with a state effective date of February 5, 2013. 1200–3–10-.02(1)(b)1.(i)(II) and 1200–3–10-.02(1)(b)1.(i)(III) remain in the SIP with a state effective date of February 5, 2013.
*	*	*	*	*

* * * * *

[FR Doc. 2024–09729 Filed 5–10–24; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 410 and 414

[CMS–6095–N]

Medicare Program; Updates to the Master List of Items Potentially Subject to Face-to-Face Encounter and Written Order Prior To Delivery and/or Prior Authorization Requirements; Updates to the Required Face-to-Face and Written Order Prior To Delivery List; and Updates to the Required Prior Authorization List

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

ACTION: Updates to the Master List of Items Potentially Subject to Face-To-Face Encounter and Written Order Prior to Delivery and/or Prior Authorization Requirements (the “Master List”) and updates to the Required Face-to-Face and Written Order Prior to Delivery List and the Required Prior Authorization List.

SUMMARY: This document announces the updated Healthcare Common Procedure Coding System (HCPCS) codes on the Master List. It also announces updates to the HCPCS codes on the Required Face-to-Face and Written Order Prior to Delivery List and the Required Prior Authorization List.

DATES: Implementation of updates to the Master List and the Required Face-to-Face and Written Order Prior to Delivery List are effective on August 12, 2024. Required prior authorization of newly added lumbar-sacral orthoses and lower limb orthoses is effective nationwide on August 12, 2024. Prior authorization of newly added osteogenesis stimulators will be implemented in two phases, with phase 1 including one State per Durable Medical Equipment Medicare Administrative Contractor (DME MAC) jurisdiction on August 12, 2024. The States included in phase 1 are California, Florida, Ohio, and Pennsylvania. Phase 2 will include all remaining U.S. States and territories not included in phase 1, effective on November 12, 2024.

FOR FURTHER INFORMATION CONTACT:

For information related to the Master List or Required Prior Authorization List, contact Susan Billet, (410) 786–1062; Emily Calvert, (410) 786–4277; Justin Carlisle, (410) 786–4265; Stephanie Collins, (410) 786–0959; or Jessica Martindale, (410) 786–1558.

For information related to the Required Face-to-Face Encounter and Written Order Prior to Delivery List, contact Jennifer Phillips, (410) 786–1023; Misty Whitaker, (410) 786–4975; Olufemi Shodeke, (410) 786–1649; or Cristine Egan, (410) 786–8088.

SUPPLEMENTARY INFORMATION:

I. Background

On November 8, 2019, the Centers for Medicare & Medicaid Services (CMS) published a final rule titled, “Medicare Program; End-Stage Renal Disease Prospective Payment System, Payment for Renal Dialysis Services Furnished to Individuals with Acute Kidney Injury, End-Stage Renal Disease Quality Incentive Program, Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Fee Schedule Amounts, DMEPOS Competitive Bidding Program (CBP) Amendments, Standard Elements for a DMEPOS Order, and Master List of DMEPOS Items Potentially Subject to a Face-to-Face Encounter and Written Order Prior to Delivery and/or Prior Authorization Requirements” (the November 2019 final rule) (84 FR 60648). The rule became effective January 1, 2020, harmonizing the lists of DMEPOS items created by former rules and establishing one “Master List of DMEPOS Items Potentially Subject to Face-to-Face Encounter and Written Orders Prior to Delivery and/or Prior Authorization Requirements” (the “Master List”).

The Master List serves as a library of items, that have been identified as potential vulnerabilities to the Trust Fund based on criteria outlined in 42 CFR 414.234(b), from which items may be selected to be placed on either the Required Face-to-Face Encounter and Written Orders Prior to Delivery List (the “F2F/WOPD List”) and/or Required Prior Authorization List under the authority provided under sections 1834(a)(1)(E)(iv), 1834(a)(11)(B), and 1834(a)(15) of the Act. Only those items that are selected and announced via **Federal Register** notice are subject to such regulatory conditions of payment. The November 2019 final rule provided that the **Federal Register** notice would be for a period of no less than 60 days. It also clarified that certain items (that is, power mobility devices) require a face-to-face encounter per statute and would remain on both the Master List and the F2F/WOPD List, indefinitely.

The November 2019 final rule information related to face-to-face encounters, written orders prior to delivery, and 5-element order/prescription for specified DMEPOS items was codified in 42 CFR 410.38. The information in the November 2019

final rule related to the creation and maintenance of the Master List is codified at 42 CFR 414.234. The November 2019 final rule also includes information related to the prior authorization process, as initially outlined in the December 30, 2015 final rule titled “Medicare Program; Prior Authorization Process for Certain Durable Medical Equipment, Prosthetics, and Supplies” (80 FR 81674).

The Master List was last updated in 2022 and currently includes 439 items.

In 2022 and 2023, CMS published the first and second iterations of the Required Face-to-Face Encounter and Written Orders Prior to Delivery List, respectively. There are currently 63 items on the list, including 46 power mobility devices that were included per statute.

The Required Prior Authorization List was last updated in 2022 and currently includes 62 items. All the lists discussed in this notice are available on the [cms.gov](https://www.cms.gov) website.

II. Provisions of the Document

This document serves to update three separate lists. First, it provides an update to the Master List. Next, this document updates the items included on the Required Face-to-Face and Written Order Prior to Delivery List. Finally, this document updates items included on the Required Prior Authorization List.

A. Master List

The Master List includes items that appear on the DMEPOS Fee Schedule and meet one of the following criteria, as stated in 42 CFR 414.234(b)(1):

- Have an average purchase fee of \$500 or greater that is adjusted annually for inflation, or an average monthly rental fee schedule of \$50 or greater that is adjusted annually for inflation, or items identified as accounting for at least 1.5 percent of Medicare expenditures for all DMEPOS items over a recent 12-month period, that are also—

++ Identified in a Government Accountability Office (GAO) or Department of Health and Human Services Office of Inspector General (OIG) report that is national in scope and published in 2015 or later as having a high rate of fraud or unnecessary utilization; or

++ Listed in the 2018 or subsequent year Comprehensive Error Rate Testing (CERT) Medicare Fee-for-Service Supplemental Improper Payment Data report as having a high improper payment rate.

- Any items with at least 1,000 claims and \$1 million in payments during a recent 12-month period that are determined to have aberrant billing patterns and lack explanatory contributing factors (for example, new technology or coverage policies that may require time for providers and suppliers to be educated on billing policies). Items with aberrant billing patterns would be identified as those items with payments during a 12-month timeframe that exceed payments made during the preceding 12-months by the greater of—

- ++ Double the percent change of all DMEPOS claim payments for items that meet the previous claim and payment criteria, from the preceding 12-month period; or

- ++ Exceeding a 30 percent increase in payments for the items from the preceding 12-month period.

- Any items statutorily requiring a face-to-face encounter, a written order prior to delivery, or prior authorization.

In the regulation at § 414.234 (b)(2) and the November 2019 final rule noted previously, the maintenance process of the Master List is described as follows:

- The Master List will be updated annually, and more frequently as needed (for example, to address emerging billing trends), and to reflect the thresholds specified in the regulations.

- Items on the DMEPOS Fee Schedule that meet the payment threshold criteria set forth in § 414.234(b)(1) are added to the list when the item is also listed in the CERT Medicare Fee-for-Service Supplemental Improper Payment Data report published after 2020, or in an OIG or GAO report published after 2020, and items not meeting the cost thresholds (originally set at \$500 for purchases and \$50 for rentals and adjusted for inflation) may still be added based on findings of aberrant billing patterns.

- Items are removed from the Master List 10 years after the date the item was added, unless the item was identified in an OIG report, GAO report, or having been identified in the CERT Medicare Fee for Service Supplemental Improper Payment Data report as having a high improper payment rate, within the 5-year period preceding the anticipated date of expiration.

- Items are removed from the list sooner than 10 years if the purchase amount drops below the payment threshold.

- Items already on the Master List that are identified on a subsequent OIG, GAO, or CERT report will remain on the list for 10 years from the publication date of the new report.

- Items on the Master List are updated when the HCPCS codes representing an item have been discontinued and cross walked to an equivalent item.

- We will notify the public of any additions and deletions from the Master List by posting a notification in the **Federal Register** and on the CMS Prior Authorization website at <http://go.cms.gov/DMEPOSPA>.

This document provides the annual update to the Master List of DMEPOS Items Potentially Subjected to a Face-to-Face Encounter and Written Order Prior to Delivery and/or Prior Authorization Requirements stated in the November 2019 final rule (84 FR 60648). As noted previously, we adjust the “payment threshold” each year for inflation. Specifically, in accordance with 42 CFR 414.234(b)(1)(i) the \$500 average purchase fee threshold and the \$50 average monthly rental fee threshold is adjusted using the consumer price index for all urban consumers (CPI-U), reduced by the 10-year moving average of changes in annual economy-wide private nonfarm business multifactor productivity (MFP) as projected by the Secretary for the 10-year period ending with the applicable FY, year, cost reporting period, or other annual period.

The DMEPOS fee schedule amounts are also updated every year to account for inflation. For CY2021,¹ the percentage increase in the consumer price index for all urban consumers (United States city average, CPI-U) for the 12-month period ending June 30, 2020 was 0.6 percent. The change in the economy wide productivity equal to the 10-year moving average of changes in annual economy wide private non-farm business multi-factor productivity (referred to as the productivity adjustment) was 0.4 percent. Beginning with the November 18, 2021 release of productivity data, the Bureau of Labor Statistics replaced the term multifactor productivity with total factor productivity stating that this was a change in terminology only and will not affect the data or methodology. Thus, for CY 2021, we applied an update factor of 0.2 percent (reduce the 0.6 percentage increase in the CPI-U by the productivity adjustment of 0.4 percentage point). Applying the 0.2 percent update factor to the CY 2020 average price threshold of \$500 results in a CY 2021 adjusted payment threshold of \$501 (500×1.002) and an updated rental payment threshold of

\$50.10 (50×1.002), which we round to \$50.

The DME Fee Schedule was updated for CY 2022² and CY 2023,³ however due to the Covid-19 Public Health Emergency (PHE), the Master List was not updated.

For CY 2022, the CPI-U increase was 5.4 percent and the productivity adjustment was 0.3 percentage points. Thus, for CY 2022, we applied an update factor of 5.1 percent (5.4 percent reduced by 0.3 percentage points).

For CY 2022, the adjusted purchase price threshold was \$527 and the adjusted monthly rental fee threshold was \$53. We calculated this by applying the 5.1 percent update factor to the CY 2021 average price threshold of \$501, resulting in a CY 2022 adjusted payment threshold of \$526.55 (501×1.051), and to the CY 2021 average monthly rental fee of \$50, resulting in an adjusted payment threshold of \$52.55 (50×1.051). Rounded to the nearest whole dollars results in thresholds of \$527 and \$53.

For CY 2023, the CPI-U increase was 9.1 percent and the productivity adjustment was 0.4 percentage points. Thus, for CY 2023, we applied an update factor of 8.7 percent (9.1 percent reduced by 0.4 percentage points).

For CY 2023 the adjusted purchase price threshold was \$573 and the adjusted monthly rental fee threshold of \$58. We calculated this by applying the 8.7 percent update factor to the CY 2022 average price threshold of \$527, resulting in a CY 2023 adjusted payment threshold of \$572.85 (527×1.087), and to the CY 2022 average monthly rental fee of \$53, resulting in an adjusted payment threshold of \$57.61 (53×1.087). Rounded to the nearest whole dollar, these figures are \$573 and \$58.

For CY 2024, the CPI-U increase was 3.0 percent and the productivity adjustment was 0.4 percentage points. Thus, for CY 2024, we applied an update factor of 2.6 percent (3.0 percent reduced by 0.4 percentage points).

For CY 2024, the adjusted purchase price threshold is \$588 and the adjusted monthly rental fee threshold is \$60. We calculated this by applying the 2.6 percent update factor to the CY 2023 average price threshold of \$573, resulting in a CY 2024 adjusted payment threshold of \$587.89 (573×1.026), and to the CY 2023 average monthly rental fee of \$58, resulting in an adjusted payment threshold of \$59.51 ($58 \times$

² <https://www.cms.gov/medicare/medicare-fee-service-payment/dmepos/feesched/dmepos-fee-schedule/dme22>.

³ <https://www.cms.gov/medicare/medicare-fee-service-payment/dmepos/feesched/dmepos-fee-schedule/dme23>.

¹ <https://www.cms.gov/medicare/medicare-fee-service-payment/dmepos/feesched/dmepos-fee-schedule/dme21>.

1.026). Rounding to the nearest whole dollar, these figures are \$588 and \$60.

We are adding a total of 76 HCPCS codes (see Table 1) meeting the criteria outlined previously to the Master List. Of these 76 HCPCS codes, 56 are added because these items meet the updated payment threshold and are listed in an OIG or GAO report of a national scope

or a CERT Medicare Fee-for-Service Supplemental Improper Payment Data report, or both; and 20 are being added for aberrant billing patterns. The codes added due to aberrant billing patterns represent items for which data show suppliers submitted at least 1,000 claims and received at least \$1 million

in payments during the two 12-month periods from July 2021 to June 2022 and July 2022 to June 2023. There was more than a 30 percent increase in payments for each item from the preceding 12-month period. CMS did not identify explanatory contributing factors for the aberrant billing.

TABLE 1—ADDITIONS TO THE MASTER LIST

HCPCS	Description
A4342	Accessories for patient inserted indwelling intraurethral drainage device with valve, replacement only, each.
A4353	Intermittent urinary catheter, with insertion supplies.
A4393	Ostomy pouch, urinary, with extended wear barrier attached, with built-in convexity (1 piece), each.
A4408	Ostomy skin barrier, with flange (solid, flexible or accordion), extended wear, with built-in convexity, larger than 4 x 4 inches, each.
A4410	Ostomy skin barrier, with flange (solid, flexible or accordion), extended wear, without built-in convexity, larger than 4 x 4 inches, each.
A5056	Ostomy pouch, drainable, with extended wear barrier attached, with filter, (1 piece), each.
A5057	Ostomy pouch, drainable, with extended wear barrier attached, with built in convexity, with filter, (1 piece), each.
A6021	Collagen dressing, sterile, size 16 sq. in. or less.
A6023	Collagen dressing, sterile, size more than 48 sq. in.
A6238	Hydrocolloid dressing, wound cover, sterile, pad size more than 16 sq. in. but less than or equal to 48 sq. in.
A6251	Specialty absorptive dressing, wound cover, sterile, pad size 16 sq. in. or less, without adhesive border, each dressing.
A6266	Gauze, impregnated, other than water, normal saline, or zinc paste, sterile, any width, per linear yard.
E0482	Cough stimulating device, alternating positive and negative airway pressure.
E0490	Power source and control electronics unit for oral device/appliance for neuromuscular electrical stimulation of the tongue muscle, controlled by hardware remote.
E0500	Intermittent Positive Pressure Breathing machine, all types, with built-in nebulizations; manual or automatic valves; internal or external power source.
E0562	Humidifier, heated, used with positive airway pressure device.
E0618	Apnea monitor, without recording feature.
E0677	Non-pneumatic sequential compression garment, trunk.
E0680	Non-pneumatic compression controller with sequential calibrated gradient pressure.
E0681	Non-pneumatic compression controller without calibrated gradient pressure.
E0693	Ultraviolet light therapy system panel, includes bulbs/lamps, timer and eye protection, 6 foot panel.
E0749	Osteogenesis stimulator, electrical, surgically implanted.
E0782	Infusion pump, implantable, non-programmable (includes all components, e.g., pump, catheter, connectors, etc.).
E0783	Infusion pump system, implantable, programmable (includes all components, e.g., pump, catheter, connectors, etc.).
E0785	Implantable intraspinal (epidural/intrathecal) catheter used with implantable infusion pump, replacement.
E0786	Implantable programmable infusion pump, replacement (excludes implantable intraspinal catheter).
E0984	Manual wheelchair accessory, power add-on to convert manual wheelchair to motorized wheelchair, tiller control.
E1050	Fully-reclining wheelchair, fixed full length arms, swing away detachable elevating leg rests.
E1060	Fully-reclining wheelchair, detachable arms, desk or full length, swing away detachable elevating legrests.
E1070	Fully-reclining wheelchair, detachable arms (desk or full length) swing away detachable footrest.
E1083	Hemi-wheelchair, fixed full length arms, swing away detachable elevating leg rest.
E1084	Hemi-wheelchair, detachable arms desk or full length arms, swing away detachable elevating leg rests.
E1087	High strength lightweight wheelchair, fixed full length arms, swing away detachable elevating leg rests.
E1088	High strength lightweight wheelchair, detachable arms desk or full length, swing away detachable elevating leg rests.
E1092	Wide heavy duty wheelchair, detachable arms (desk or full length), swing away detachable elevating leg rests.
E1093	Wide heavy duty wheelchair, detachable arms desk or full length arms, swing away detachable footrests.
E1100	Semi-reclining wheelchair, fixed full length arms, swing away detachable elevating leg rests.
E1110	Semi-reclining wheelchair, detachable arms (desk or full length) elevating leg rest.
E1150	Wheelchair, detachable arms, desk or full length swing away detachable elevating legrests.
E1160	Wheelchair, fixed full length arms, swing away detachable elevating legrests.
E1170	Amputee wheelchair, fixed full length arms, swing away detachable elevating legrests.
E1171	Amputee wheelchair, fixed full length arms, without footrests or legrest.
E1172	Amputee wheelchair, detachable arms (desk or full length) without footrests or legrest.
E1180	Amputee wheelchair, detachable arms (desk or full length) swing away detachable footrests.
E1190	Amputee wheelchair, detachable arms (desk or full length) swing away detachable elevating legrests.
E1195	Heavy duty wheelchair, fixed full length arms, swing away detachable elevating legrests.
E1200	Amputee wheelchair, fixed full length arms, swing away detachable footrest.
E1221	Wheelchair with fixed arm, footrests.
E1222	Wheelchair with fixed arm, elevating legrests.
E1223	Wheelchair with detachable arms, footrests.
E1224	Wheelchair with detachable arms, elevating legrests.
E1240	Lightweight wheelchair, detachable arms, (desk or full length) swing away detachable, elevating legrest.
E1270	Lightweight wheelchair, fixed full length arms, swing away detachable elevating legrests.
E1280	Heavy duty wheelchair, detachable arms (desk or full length) elevating legrests.
E1295	Heavy duty wheelchair, fixed full length arms, elevating legrest.
E1296	Special wheelchair seat height from floor.
E2341	Power wheelchair accessory, nonstandard seat frame width, 24–27 inches.

TABLE 1—ADDITIONS TO THE MASTER LIST—Continued

HCPCS	Description
E2342	Power wheelchair accessory, nonstandard seat frame depth, 20 or 21 inches.
E2343	Power wheelchair accessory, nonstandard seat frame depth, 22–25 inches.
E2510	Speech generating device, synthesized speech, permitting multiple methods of message formulation and multiple methods of device access.
E2606	Positioning wheelchair seat cushion, width 22 inches or greater, any depth.
E2631	Wheelchair accessory, addition to mobile arm support, elevating proximal arm.
K0010	Standard—weight frame motorized/power wheelchair.
K0011	Standard—weight frame motorized/power wheelchair with programmable control parameters for speed adjustment, tremor dampening, acceleration control and braking.
K0012	Lightweight portable motorized/power wheelchair.
L0457	TLSO, flexible, provides trunk support, thoracic region, rigid posterior panel and soft anterior apron, extends from the sacrococcygeal junction and terminates just inferior to the scapular spine, restricts gross trunk motion in the sagittal plane, produces intracavitary pressure to reduce load on the intervertebral disks, includes straps and closures, prefabricated, off-the-shelf.
L1681	Hip orthosis, bilateral hip joints and thigh cuffs, adjustable flexion, extension, abduction control of hip joint, postoperative hip abduction type, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise.
L2006	Knee ankle foot device, any material, single or double upright, swing and stance phase microprocessor control with adjustability, includes all components (e.g., sensors, batteries, charger), any type activation, with or without ankle joint(s), custom fabricated.
L2280	Addition to lower extremity, molded inner boot.
L3761	Elbow orthosis (EO), with adjustable position locking joint(s), prefabricated, off-the-shelf.
L4000	Replace girdle for spinal orthosis (cervical-thoracic-lumbar-sacral orthosis or shoulder orthosis).
L5615	Addition, endoskeletal knee-shin system, 4 bar linkage or multiaxial, fluid swing and stance phase control.
L5926	Addition to lower extremity prosthesis, endoskeletal, knee disarticulation, above knee, hip disarticulation, positional rotation unit, any type.
L5991	Addition to lower extremity prostheses, osseointegrated external prosthetic connector.
L6026	Transcarpal/metacarpal or partial hand disarticulation prosthesis, external power, self-suspended, inner socket with removable forearm section, electrodes and cables, two batteries, charger, myoelectric control of terminal device, excludes terminal devices.
L7366	Battery charger, twelve volt, each.

Items are removed from the Master List 10 years after the date the item was added, unless the item was identified in an OIG report, GAO report, or has been identified in the CERT Medicare Fee-for-Service Supplemental Improper

Payment Data report as having a high improper payment rate, within the 5-year period preceding the anticipated date of expiration. Additionally, items are removed from the list sooner than 10-year timeframe if the purchase or

monthly rental amount drops below the payment threshold. There are three (See Table 2) HCPCS codes being removed from the Master List for the CY 2024 update, as they no longer meet the criteria for inclusion.

TABLE 2—DELETIONS FROM THE MASTER LIST

HCPCS	Description
A7025	High frequency chest wall oscillation system vest, replacement for use with patient owned equipment.
E0565	Compressor air power source.
L1833	Knee orthosis (KO), adjustable knee joints (unicentric or polycentric), positional orthosis, rigid support, prefabricated, off-the-shelf.

The full updated Master List is available in the Downloads & Links section of the following CMS website: <http://go.cms.gov/DMEPOSPA>

B. Items Subject to Face-to-Face Encounter and Written Order Prior to Delivery Requirements

As previously stated, PMDs are included on the F2F/WOPD List per statutory obligation. For the other DMEPOS items, we consider factors such as operational limitations, item utilization, cost-benefit analysis (for example, comparing the cost of review versus the anticipated amount of improper payment identified), emerging trends (for example, billing patterns,

medical review findings), vulnerabilities identified in official agency reports, or other analysis.

When selecting these items, we balance our program integrity goals with the needs of beneficiaries to ensure the appropriate application and oversight of the face-to-face encounter requirements. In consideration of access issues, we note that the regulation 42 CFR 410.38 allows for use of telehealth, as defined in 42 CFR 410.78 and 414.65, when appropriate to meet our coverage requirements for beneficiaries.

We believe transparency and education will aid in compliance with these payment requirements and continued access. As such, we will

make information widely available to the public at appropriate literacy levels regarding face-to-face encounter requirements, and necessary documentation for items on the F2F/WOPD List.

Consistent with § 410.38(d), the face-to-face encounter must be documented in the pertinent portion of the medical record (for example, history, physical examination, diagnostic tests, summary of findings, progress notes, treatment plans or other sources of information that may be appropriate). The supporting documentation must include subjective and objective beneficiary specific information used for diagnosing, treating, or managing a

clinical condition for which the DMEPOS item(s) is ordered. Upon request by CMS or its review contractors, a supplier must submit additional documentation to support and substantiate the medical necessity for the DMEPOS item.

Prior to publication of this **Federal Register** notice, 63 items have been included on the F2F/WOPD List. We have not been notified of any issues related to beneficiary access, and billing trends have been consistent with anticipated volumes.

Based on our regulatory authority at 42 CFR 410.38, this **Federal Register**

notice is adding the following 13 additional HCPCS codes to the F2F/WOPD List (See Table 3).

We have selected codes for three hospital beds, two osteogenesis stimulators, six lumbar sacral orthoses, and two knee orthoses. We note that such items were selected based on our analysis of the CERT improper payment information, practitioner encounter information, jurisdictionally identified billing vulnerabilities, policy analysis, and in coordination with the prior authorization program.

We continue to believe additional practitioner oversight of beneficiaries in

need of items included on the F2F/WOPD List will help further our program integrity goals of reducing fraud, waste, and abuse. It helps ensure beneficiary receipt of items specific to their medical needs, as the written order/prescription must be communicated to the supplier prior to delivery. For such items, we continue to require the treating practitioner to have a face-to-face encounter with the beneficiary within the 6 months preceding the date of the written order/prescription.

TABLE 3—ADDITIONS TO THE F2F/WOPD LIST—NEW NON-STATUTORILY REQUIRED ITEMS

HCPCS	Description
E0290	Hospital bed, fixed height, without side rails, with mattress.
E0301	Hospital bed, heavy duty, extra wide, with weight capacity greater than 350 pounds, but less than or equal to 600 pounds, with any type side rails, without mattress.
E0304	Hospital bed, extra heavy duty, extra wide, with weight capacity greater than 600 pounds, with any type side rails, with mattress.
E0760	Osteogenesis stimulator, low intensity ultrasound, non-invasive.
E0747	Osteogenesis stimulator, electrical, non-invasive, other than spinal applications.
L0635	Lumbar-sacral orthosis (LSO), sagittal-coronal control, lumbar flexion, rigid posterior frame/panel(s), lateral articulating design to flex the lumbar spine, posterior extends from sacrococcygeal junction to T–9 vertebra, lateral strength provided by rigid lateral frame/panel(s), produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, anterior panel, pendulous abdomen design, prefabricated, includes fitting and adjustment.
L0636	Lumbar-sacral orthosis (LSO), sagittal-coronal control, lumbar flexion, rigid posterior frame/panels, lateral articulating design to flex the lumbar spine, posterior extends from sacrococcygeal junction to T–9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, anterior panel, pendulous abdomen design, custom fabricated.
L0638	Lumbar-sacral orthosis (LSO), sagittal-coronal control, with rigid anterior and posterior frame/panels, posterior extends from sacrococcygeal junction to T–9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, custom fabricated.
L0639	Lumbar-sacral orthosis (LSO), sagittal-coronal control, rigid shell(s)/panel(s), posterior extends from sacrococcygeal junction to T–9 vertebra, anterior extends from symphysis pubis to xyphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is provided by overlapping rigid material and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise.
L0640	Lumbar-sacral orthosis (LSO), sagittal-coronal control, rigid shell(s)/panel(s), posterior extends from sacrococcygeal junction to T–9 vertebra, anterior extends from symphysis pubis to xiphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is provided by overlapping rigid material and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, custom fabricated.
L0651	Lumbar-sacral orthosis (LSO), sagittal-coronal control, rigid shell(s)/panel(s), posterior extends from sacrococcygeal junction to T–9 vertebra, anterior extends from symphysis pubis to xyphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is provided by overlapping rigid material and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, prefabricated, off-the-shelf.
L1845	Knee orthosis (KO), double upright, thigh and calf, with adjustable flexion and extension joint (unicentric or polycentric), medial-lateral and rotation control, with or without varus/valgus adjustment, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise.
L1852	Knee orthosis (KO), double upright, thigh and calf, with adjustable flexion and extension joint (unicentric or polycentric), medial-lateral and rotation control, with or without varus/valgus adjustment, prefabricated, off-the-shelf.

Per the regulatory guidelines established at § 414.234(b), and as previously discussed, items may be removed from the Master List. If items

are removed from the Master List, they are no longer eligible for inclusion on the F2F/WOPD List. As such, as of the effective date of this **Federal Register**

notice, HCPCS L1833 is removed from the Master List and is likewise removed from the Required F2F/WOPD List.

TABLE 4—DELETIONS FROM THE F2F/WOPD LIST

HCPCS	Description
L1833	Knee orthosis (KO), adjustable knee joints (unicentric or polycentric), positional orthosis, rigid support, prefabricated, off-the shelf.

The F2F/WOPD List is available on the following CMS website: F2F/WOPD List.

C. Items Subject to Prior Authorization Requirements

The Required Prior Authorization List specified in § 414.234(c)(1) is selected from the Master List (as described in § 414.234(b)), and those selected items require prior authorization as a condition of payment. As stated in § 414.234(c), we inform the public of those DMEPOS items on the Required

Prior Authorization List in the **Federal Register** with no less than 60 days' notice before implementation, and post notification on the CMS website. Additionally, § 414.234(c)(1)(ii) states that CMS may elect to limit the prior authorization requirement to a particular region of the country if claims data analysis shows that unnecessary utilization of the selected item(s) is concentrated in a particular region.

We are updating the Required Prior Authorization List to include the addition of nine HCPCS codes and

removal of one HCPCS code. HCPCS code L1833 is being removed from the Required Prior Authorization List as the item no longer meets the criteria to be maintained on the Master List and is no longer eligible for inclusion. The remaining 61 HCPCS codes currently on the Required Prior Authorization List remain on the List without interruption. To assist stakeholders in preparing for implementation of the prior authorization program, we are providing 90 days' notice.

TABLE 5—DELETIONS FROM THE REQUIRED PRIOR AUTHORIZATION LIST

HCPCS	Description
L1833	Knee orthosis (KO), adjustable knee joints (unicentric or polycentric), positional orthosis, rigid support, prefabricated, off-the shelf.

The following three HCPCS codes for osteogenesis stimulators, three HCPCS

codes for lumbar-sacral orthoses (LSO), and three HCPCS codes for lower limb

orthoses (LLO) are added to the Required Prior Authorization List:

TABLE 6—ADDITIONS TO THE REQUIRED PRIOR AUTHORIZATION LIST

HCPCS	Description
E0747	Osteogenesis stimulator, electrical, non-invasive, other than spinal applications.
E0748	Osteogenesis stimulator, electrical, non-invasive, spinal applications.
E0760	Osteogenesis stimulator, low intensity ultrasound, non-invasive.
L0631	Lumbar-sacral orthosis (LSO), sagittal control, with rigid anterior and posterior panels, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise.
L0637	Lumbar-sacral orthosis (LSO), sagittal-coronal control, with rigid anterior and posterior frame/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise.
L0639	Lumbar-sacral orthosis (LSO), sagittal-coronal control, rigid shell(s)/panel(s), posterior extends from sacrococcygeal junction to T-9 vertebra, anterior extends from symphysis pubis to xyphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is provided by overlapping rigid material and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise.
L1843	Knee orthosis (KO), single upright, thigh and calf, with adjustable flexion and extension joint (unicentric or polycentric), medial-lateral and rotation control, with or without varus/valgus adjustment, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise.
L1845	Knee orthosis (KO), double upright, thigh and calf, with adjustable flexion and extension joint (unicentric or polycentric), medial-lateral and rotation control, with or without varus/valgus adjustment, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise.
L1951	Ankle foot orthosis (AFO), spiral, (institute of rehabilitative medicine type), plastic or other material, prefabricated, includes fitting and adjustment.

We believe prior authorization of these nine additional HCPCS codes will help further our program integrity goals of reducing fraud, waste, and abuse, while also protecting access to care.

In recent years, osteogenesis stimulators have been a concern due to continually high improper payment rates, having been identified in CMS' CERT Medicare Fee-for-Service Supplemental Improper Payment Data reports (2017–2020) as having improper payment rates ranging from 8.5 to 40.9 percent.

LSOs and LLOs have been identified by the CERT program as two of the top 20 DMEPOS service types with improper payments over the past several years. Since 2020, LLOs have had an improper payment rate ranging from 44 to 66 percent, with projected improper payments ranging between \$76 and \$187 million. Similarly, LSOs have had an improper payment ranging from 35 to 58 percent, with projected improper payments ranging between \$78 and \$178 million since 2020. In 2019, the Department of Justice (DOJ) announced

Federal indictments and law enforcement actions stemming from fraudulent claims submitted for medically unnecessary back, shoulder, wrist, and knee braces. Administrative actions were taken against 130 DMEPOS companies that were enticing Medicare beneficiaries with offers of low or no-cost orthotic braces. The investigation found that some DMEPOS companies and licensed medical professionals allegedly participated in health care fraud schemes involving more than \$1.2

billion in loss.⁴ In 2022, CMS added several LSOs and LLOs to the Required Prior Authorization list (87 FR 2051); however, additional program integrity action in this space is warranted.⁵

These codes will be subject to the requirements of the prior authorization program for certain DMEPOS items as outlined in § 414.234. We will implement a prior authorization program for the three newly added LSO and the three newly added LLO codes nationwide, beginning on the date specified in the in the **DATES** section. We will implement prior authorization for the three newly added osteogenesis stimulator codes in two phases beginning on the dates specified in the in the **DATES** section. This phased-in approach will allow us to identify and resolve any unforeseen issues by using a smaller claim volume in phase 1 before implementing phase 2. We selected States for the two phases based on utilization data.

For phase 1, which begins on the date specified in the **DATES** section, we selected the State in each DME MAC jurisdiction with the highest utilization of the newly added osteogenesis stimulators: California, Florida, Ohio, and Pennsylvania.

For phase 2, which begins on the date specified in the **DATES** section, prior authorization expands to all remaining States and territories not captured in phase 1.

The prior authorization program for the remaining 61 HCPCS codes currently subject to the DMEPOS prior authorization requirement will continue uninterrupted. Prior to providing an item on the Required Prior Authorization List to the beneficiary and submitting the claim for processing, a requester must submit a prior authorization request. The request must include evidence that the item complies with all applicable Medicare coverage, coding, and payment rules. Consistent with § 414.234(d), such evidence must include the written order/prescription, relevant information from the beneficiary's medical record, and relevant supplier-produced

documentation. After receipt of all applicable required Medicare documentation, CMS or one of its review contractors will conduct a medical review and communicate a decision that provisionally affirms or non-affirms the request.

We will issue specific prior authorization guidance for these additional items in sub regulatory communications, final timelines customized for the DMEPOS item subject to prior authorization and for communicating a provisionally affirmed or non-affirmed decision to the requester. In the December 30, 2015 final rule (80 FR 81674), we stated that this approach to final timelines provides flexibility to develop a process that involves fewer days, as may be appropriate, and allows us to safeguard beneficiary access to care. If at any time we become aware that the prior authorization process is creating barriers to care, we can suspend the program. For example, we will review questions and complaints from consumers and providers that come through regular sources such as 1–800-Medicare.

The updated Required Prior Authorization List is available in the Downloads & Links section of the following CMS website: <http://go.cms.gov/DMEPOSPA>.

III. Collection of Information Requirements

This document provides updates to the Master List, the F2F/WOPD List, and the Required Prior Authorization List.

A total of 76 HCPCS codes (see Table 1) meeting the criteria outlined previously are added to the Master List. Of these 76 HCPCS codes, 56 are added because these items meet the updated payment threshold and are listed in an OIG or GAO report of a national scope, a CERT Medicare Fee-for-Service Supplemental Improper Payment Data report, or both; and 20 are being added for aberrant billing patterns. There are three HCPCS codes (see Table 2) being removed from the Master List for the CY 2024 update, as these no longer meet the criteria for inclusion, as outlined previously.

Thirteen HCPCS are being added to the F2F/WOPD List. Of these 13 codes, three are hospital beds, two are osteogenesis stimulators, six are lumbar sacral orthoses, and two are knee orthoses. This notice removes one knee orthosis code from the F2F/WOPD List.

The updates to the F2F/WOPD List do not constitute information collections 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.*).

This notice removes one HCPCS code from the Required Prior Authorization List, as it no longer meets the requirements for inclusion (see Table 5). A total of nine HCPCS codes (see Table 6) are selected for addition to the Required Prior Authorization List. Of these nine HCPCS codes, three are osteogenesis stimulators, three are LSOs, and three are LLOs. The remaining 61 HCPCS codes currently subject to the DMEPOS prior authorization requirement will continue uninterrupted.

There is an information collection burden associated with this program that is currently approved under OMB control number 0938–1293, which expires August 31, 2025. This package accounts for burdens associated with the addition of items to the Required Prior Authorization Lists and assumes a burden for 2024 of approximately \$8.4 million for providers to comply with the required information collection. The burden associated with the additions to the Required Prior Authorization List has been assessed in the PRA package referenced previously and is included in this **Federal Register** notice as required under the Paperwork Reduction Act of 1995.

IV. Regulatory Impact Statement

We have examined the impact of this regulatory document as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), Executive Order 14094 entitled “Modernizing Regulatory Review” (April 6, 2023), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 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). A Regulatory Impact Analysis (RIA) must be prepared for major rules with significant regulatory action/s and/or with significant effects (\$200 million or more in any 1 year). This regulatory

⁴ <https://www.justice.gov/opa/pr/federal-indictments-and-law-enforcement-actions-one-largest-health-care-fraud-schemes>.

⁵ Due to the need for certain patients to receive an orthoses item that may otherwise be subject to PA when the 2-day expedited review would delay care and risk the health or life of the beneficiary, we suspended prior authorization requirements for certain codes in these limited circumstances, effective April 13, 2022. This suspension remains in effect. <https://www.federalregister.gov/documents/2022/08/10/2022-17187/medicare-program-suspension-of-required-prior-authorization-for-certain-durable-medical-equipment>.

document is not significant and does not reach the economic threshold and thus is not considered a major regulatory document. Per our analysis, the additional items being added to the prior authorization program have an estimated net savings of \$32.1 million. Gross savings is based upon a 20 percent reduction in the total amount paid for claims in CY 2022. We deducted from the gross savings the anticipated cost for performing the prior authorization reviews to estimate the net savings. Our gross savings estimate of 20 percent is based on previous results from other prior authorization programs, including prior authorization of other DMEPOS items.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than \$9.0 million to \$47.0 million in any one year. Individuals and States are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this regulatory document will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this regulatory document will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2024, that threshold is approximately \$183 million. This regulatory document will have no consequential effect on State, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency

must meet when it promulgates a proposed rule (and subsequent final rule or other regulatory document) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. Since this regulatory document does not impose any costs on State or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this document was reviewed by the Office of Management and Budget.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Chyana Woodyard who is the **Federal Register** Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Chyana Woodyard,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024–10356 Filed 5–10–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2800, 2860, 2880, and 2920

[BLM_HQ_FRN_MO4500175819]

RIN 1004–AE60

Update of the Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way; Corrections

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; corrections.

SUMMARY: The Bureau of Land Management (BLM) is correcting a final rule that appeared in the **Federal Register** on April 12, 2024.

DATES: Effective on May 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Stephen Fusilier, Branch Chief, Rights-of-Way, telephone: 202–309–3209, email: sfuslie@blm.gov, or by mail 1849 C St. NW, Washington, DC 20240, for information regarding the substance of this final rule.

Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States

should use the relay services offered within their country to make international calls to the point-of-contact in the United States. For a summary of the final rule, please see the final rule summary document in docket BLM–2022–0002 on www.regulations.gov.

SUPPLEMENTARY INFORMATION: In **Federal Register** Document 2024–06997 appearing on page 25922 in the **Federal Register** of Friday, April 12, 2024, the following corrections are made:

§ 2801.2 [Corrected]

■ 1. On page 25957, in the second column, in amendatory instruction 3.b, in the definition of “Maintenance,” redesignate the second paragraph (ii) as paragraph (iii).

§ 2881.5 [Corrected]

■ 2. On page 25972, in the second column, in amendatory instruction 41, in the definition of “Processing activities,” redesignate the second paragraph (ii) as paragraph (iii).

This action by the Principal Deputy Assistant Secretary is taken pursuant to an existing delegation of authority.

Steven H. Feldgus,

Principal Deputy Assistant Secretary, Land and Minerals Management.

[FR Doc. 2024–10398 Filed 5–10–24; 8:45 am]

BILLING CODE 4331–29–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, 175, 176, 178, and 180

[Docket No. PHMSA–2021–0092 (HM–215Q)]

RIN 2137–AF57

Hazardous Materials: Harmonization with International Standards

Correction

In rule document 2024–06956 beginning on page 25434 in the issue of Wednesday, April 10, 2024, make the following correction:

§ 172.101 [Corrected]

■ On pages 25473 through 25475, in § 172.101, the Hazardous Material Table should appear as follows:

§ 172.101 Hazardous Materials Table [Corrected]

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)		(9)		(10)				
Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Numbers	PG	Label Codes	Special Provisions (§172.102) (7)	Packaging (§ 173.***)		Quantity limitations (see §§ 173.27 and 175.75)		Vessel stowage				
							Exceptions (8A)	Non-bulk (8B)	Bulk (8C)	Passenger aircraft/rail (9A)	Cargo aircraft only (9B)	Location (10A)	Other (10B)		
[REMOVE].															
G	Desensitized explosives, solid, n.o.s..	4.1	* UN3380	I	*	4.1 164, 197	None	*	211	None	Forbidden	*	Forbidden	D	28, 36
	Ethyl bromide	6.1	* UN1891	II	*	6.1 IB2, IP8, T7, TP2, TP13.	153	*	202	243	5 L	*	60 L	B	40, 85
	Extracts, aromatic, liquid.	3	* UN1169	II	*	3 149, IB2, T4, TP1, TP8.	150	*	202	242	5 L	*	60 L	B	
	Extracts, aromatic, liquid.	3	UN1169	III		3 B1, IB3, T2, TP1	150		203	242	60 L		220 L	A	
	Extracts, flavoring, liquid.	3	UN1197	II		3 149, IB2, T4, TP1, TP8.	150		202	242	5 L		60 L	B	
	Extracts, flavoring, liquid.	3	UN1197	III		3 B1, IB3, T2, TP1	150		203	242	60 L		220 L	A	
G	Hypochlorite solutions.	8	* UN1791	II	*	8 148, A7, B2, B15, IB2, IP5, N34, T7, TP2, TP24.	154	*	202	242	1 L	*	30 L	B	26, 53, 58
	[ADD].	*	*	*	*	*	*	*	*	*	*	*	*		
	Desensitized explosive, solid, n.o.s..	4.1	* UN3380	I	*	4.1 164, 197	None	*	211	None	Forbidden	*	Forbidden	D	28, 36
	Cobalt dihydroxide powder, containing not less than 10% respirable particles.	6.1	* UN3550	I	*	6.1 IP22, TP33	None	*	211	242	5 kg	*	50 kg	A	
	Ethyl bromide	3	* UN1891	II	*	3, 6.1 IB2, IP8, T7, TP2, TP13.	150	*	202	243	1 L	*	60 L	B	40, 85
	Extracts, liquid, for flavor or aroma.	3	* UN1197	II	*	3 149, IB2, T4, TP1, TP8.	150	*	202	242	5 L	*	60 L	B	
	Extracts, liquid, for flavor or aroma.	3	UN1197	III		3 B1, IB3, T2, TP1	150		203	242	60 L		220 L	A	

Hypochlorite so- lutions.	8	UN1791	*	II	*	8	148, A7, B2, B15, IB2, IP5, N34, T7, TP2, TP24.	*	154		*	202	242		1 L		30 L		B		26
[REVISE]	.....		*																		
G	9	UN3548	*	*	*	.....	.....	*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Articles con- taining mis- cellaneous dangerous goods, n.o.s..																					
Articles con- taining non- flammable, non-toxic gas, n.o.s..	2.2	UN3538	*	*	*	.....	391, A224	.....	None	.....	.....	232	232	.....	Forbidden	.....	Forbidden	.....	A	.....	
						2.2	391,396, A225 ...	.....	None	.....	.....	232	232	.....	Forbidden	.....	Forbidden	.....	A	.....	
Batteries, wet, filled with acid, electric stor- age.	8	UN2794	*	*	*	8	A51	.....	159	.....	.....	159	159	.....	30 kg	.....	400 kg	.....	A	.....	
																				53, 58, 146	
Batteries, wet, filled with al- kali, electric storage.	8	UN2795	*	*	*	8	A51	.....	159	.....	.....	159	159	.....	30 kg	.....	400 kg	.....	A	.....	
																				52, 146	
Butylene see also Petroleum gases, lique- fied.	2.1	UN1012	*	*	*	2.1	19, 398, T50	.....	306	.....	.....	304	314, 315	.....	Forbidden	.....	150 kg	.....	E	.....	
																				40	
Batteries, con- taining sodium.	4.3	UN3292	*	*	*	4.3	.....	.....	189	.....	.....	189	189	.....	Forbidden	.....	400 kg	.....	A	.....	
																				13, 148	
G	8	UN2922	*	I	*	8, 6.1	A4, A7, B10, T14, TP2, TP13, TP27.	*	None			201	243		0.5 L		2.5 L		B		40
Corrosive liquids, toxic, n.o.s..																					
G	8	UN2923	I	I	*	8, 6.1	A5, IB7, T6, TP33.	*	None			211	242		1 kg		25 kg		B		40
Corrosive solids, toxic, n.o.s..																					
Detonators, elec- tronic pro- grammable for blasting.	1.4B	UN0512	*	*	*	1.4B	148		63(f), 63(g)			62	None		Forbidden		75 kg		05		25
Nitrocellulose with alcohol with not less than 25 per- cent alcohol by mass, and with not more than 12.6 per- cent nitrogen, by dry mass.						4.1	W31		None			212	None		1 kg		15 kg		D		12, 25, 28, 36

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)		(9)		(10)		
Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Numbers	PG	Label Codes	Special Provisions (\$ 172.102) (7)	Packaging (\$ 173.***)		Quantity limitations (see §§173.27 and 175.75)		Vessel stowage		
							Exceptions (8A)	Non-bulk (8B)	Bulk (8C)	Passenger aircraft/rail (9A)	Cargo aircraft only (9B)	Location (10A)	Other (10B)
	Nitrocellulose, with not more than 12.6 percent nitrogen, by dry mass mixture with or without plasticizer, with or without pigment.	4.1	UN2557	II	4.1	44, W31	None	212	None	1 kg	15 kg	D	28, 36
	Nitrocellulose with water with not less than 25 percent water, by mass.	4.1	UN2555	II	4.1	W31	None	212	None	15 kg	50 kg	E	28, 36
G	Pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	UN3021	*	*	*	*	*	*	*	*	*	40
				I	3, 6.1	B5, T14, TP2, TP13, TP27.	None	201	243	Forbidden	30 L	B	40
			II	3, 6.1	IB2, T11, TP2, TP13, TP27.	150	202	243	1 L	60 L	B	40	
G	Polymerizing substance, liquid, stabilized, n.o.s.	4.1	UN3532	*	*	*	*	*	*	*	*	*	25, 52, 53
				III	4.1	387, IB3, IP19, N92, T7, TP4, TP6.	None	203	241	10 L	25 L	D	25, 52, 53
G	Polymerizing substance, liquid, temperature controlled, n.o.s.	4.1	UN3534	III	4.1	387, IB3, IP19, N92, T7, TP4, TP6.	None	203	241	Forbidden	Forbidden	D	2, 25, 52, 53
G	Polymerizing substance, solid, stabilized, n.o.s.	4.1	UN3531	III	4.1	387, IB7, IP19, N92, T7, TP4, TP6, TP33.	None	213	240	10 kg	25 kg	D	25, 52, 53
G	Polymerizing substance, solid, temperature controlled, n.o.s.	4.1	UN3533	III	4.1	387, IB7, IP19, N92, T7, TP4, TP6, TP33.	None	213	240	Forbidden	Forbidden	D	2, 25, 52, 53
G	Water-reactive liquid, corrosive, n.o.s.	4.3	UN3129	I	4.3, 8	T14, TP2, TP7, TP13.	None	*	201	243	Forbidden	1 L	13, 148
G				II	4.3, 8	IB1, T11, TP2, TP7.	151	202	243	1 L	5 L	E	13, 85, 148
G				III	4.3, 8	IB2, T7, TP2, TP7.	151	203	242	5 L	60 L	E	13, 85, 148

[illegible]

[FR Doc. C1–2024–06956 Filed 5–10–24; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 25

[Docket No. FWS–HQ–NWRs–2022–0092;
FXRS1261090000–245–FF09R25000]

RIN 1018–BG80

National Wildlife Refuge System; Drain Tile Setbacks

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), promulgate new regulations pertaining to wetland easements to bring consistency, transparency, and clarity for both easement landowners and the Service in the administration of conservation easements, pursuant to the National Wildlife Refuge Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997. These regulations codify the process by which landowners can request and the Service will provide drain tile setbacks under wetland easement contracts. Under these regulations, if landowners fully comply with Service-provided setbacks when installing drain tile and do not later replace or modify the drain tile, the Service grants the landowners a safe harbor from legal action in the event that the setback drain tile nevertheless results in the draining of an easement wetland. Setback distances are calculated based upon the best available science considering soil characteristics, tile diameter, the depth of the tile below the surface, and/or topography sufficient to the easement contract's standard of protection that ensures no drainage of adjacent protected wetland areas. The regulations apply only to setbacks provided by the Service beginning on the effective date of this final rule.

DATES: This rule is effective June 12, 2024.

Information collection requirements: If you wish to comment on the information collection requirements in this rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the collection of information contained in this rule between 30 and 60 days after the date of publication of this rule in the **Federal Register**. Therefore, comments

should be submitted to OMB by June 12, 2024.

ADDRESSES: *Information collection requirements:* Written comments and suggestions on the information collection requirements should be submitted within 30 days of publication of this document to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or Info_Coll@fws.gov (email). Please reference OMB Control Number 1018–0196 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT:

Debbie DeVore, (251) 604–1383. 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

Wetland habitat in the Prairie Pothole Region (PPR) of Iowa, Minnesota, Montana, North Dakota, and South Dakota is critically important to waterfowl and other migratory bird populations. The unique topography of the PPR includes numerous small wetlands and potholes that were formed through glaciation thousands of years ago. Prairie potholes are freshwater depressions and marshes, often less than 2 feet deep and 1 acre in size, that are a permanent feature of these landscapes barring deliberate alteration of the topography or hydrology. What makes the PPR so biologically important to waterfowl is the seasonal fluctuation of surface water through these permanent wetlands basins. The PPR is responsible for producing approximately 50 to 75 percent of the primary species of ducks on the North American continent, providing habitat for more than 60 percent of the breeding population. Waterfowl fledged in the PPR are a significant natural resource. Waterfowl are a diverse group of birds that are important to many aquatic and wetland ecosystems throughout the country. Additionally, waterfowl hunting and associated industries

support thousands of jobs and in 2016 produced an estimated \$2.9 billion in economic benefit.

Congress, recognizing the impact that widespread drainage was having on wetlands and waterfowl populations in the PPR, officially created the Small Wetlands Acquisition Program on August 1, 1958, by amending the 1934 Migratory Bird Hunting Stamp Act (commonly referred to as the “Duck Stamp Act”). The amendment allowed proceeds from the sale of Federal Duck Stamps to be used to conserve and protect “small wetland and pothole areas” through the acquisition and establishment of areas designated as Waterfowl Production Areas (WPAs). The Service purchased the first fee-title WPA in South Dakota in 1959, and began to purchase wetland easements soon thereafter. The acquisition of wetland easements accelerated across the PPR following the passage of the 1961 Wetlands Loan Act (Pub. L. 87–383), which authorized appropriations to advance funding for the purchase of wetland easements. Wetland easements are part of the National Wildlife Refuge System, governed by the National Wildlife Refuge System Administration Act (hereafter, “the Administration Act”); 16 U.S.C. 668dd *et seq.*

Wetland Easements

This rulemaking action codifies new regulations pertaining to easement lands protected by a Service easement for waterfowl management rights (commonly referred to as a “wetland easement”) in the PPR. The easements are areas of land or water acquired and administered by the Service with a less than fee interest for the purpose of maintaining small wetland or pothole areas suitable for use as WPAs.

A wetland easement is a voluntary legal agreement with the Service that pays landowners to permanently protect wetlands. The easement contains restrictions on the use or development of the land to protect its conservation values. The Service's wetland easements are minimally restrictive conservation easements, meaning that they have a minimal impact on the property value and limit the landowner's use and enjoyment of the property to a minor degree. Landowners who sell a wetland easement to the Service agree that wetlands protected by an easement cannot be drained, filled, leveled, or burned. If these wetlands dry up naturally, they can be farmed, grazed, or hayed.

Drain Tiles

Traditionally, the purpose of subsurface agricultural drainage has

been to lower the water table of poorly drained soils with the goal of improving soil aeration. Recently, advanced drainage systems have been promoted as a way to manipulate soil water content during the growing season. Subsurface drainage systems typically remove water through perforated pipe (commonly referred to as drain tile) placed below the soil surface.

Drain tile positioned adjacent to wetland areas can result in reduced hydroperiods (periods of inundation) depending on several factors, such as the depth of tile in relation to the wetland area. The amount and timing of precipitation intercepted by subsurface drainage systems will vary depending on soil properties, topography (low/high topographic relief), placement of tile relative to the wetland area (horizontal distance, elevation), and the relation between the wetland area and groundwater (*i.e.*, recharge, discharge). Direct drainage of a wetland area by placing perforated tile and surface inlet pipes through (beneath) the wetland area would have a detrimental effect on wetland hydrology regardless of other factors.

Drainage systems positioned adjacent to a wetland area in low-relief terrain have the potential to indirectly affect the wetland area through lateral drainage (lateral effect). The lateral effect is defined as the perpendicular distance on either side of a tile pipe where soil water can be drained by the tile. Drainage systems positioned to encircle a wetland area completely or partially in high-relief terrain can intercept groundwater and precipitation runoff to the wetland area depending on the previously mentioned factors.

Internal Guidance for Calculating Drain Tile Setbacks

Three years ago, the Service developed basic guidance for administering a drain tile setback request process and calculating drain tile setback distances using the best available science. This guidance was captured in a published Director's Memo, which is available at <https://www.fws.gov/sites/default/files/documents/Guidance-Memo-Drain-Tile-Setbacks-Wetland-Easements.pdf> or in hard copy from your local U.S. Fish and Wildlife Service station. If you need help identifying and contacting your local station, see 50 CFR 2.2 for the contact information of the nearest Regional Office. We refer to this document as the "guidance memo" in the remainder of this document. The guidance memo sets out the basics of the calculation processes for the Service to use when determining drain tile

setback distances, including use of the van Shilfgaarde equation, and it establishes that the Service will not pursue legal redress should it later be determined that setback distances provided by the Service were inadequate to protect adjacent wetland areas from drainage. This final rule codifies the key aspects of the guidance memo, such as the use of the best available science and the legal safe harbor for landowners who fully comply with Service-provided setback distances. The guidance memo remains in full effect because it has been incorporated as part of the broader internal guidance. The Service recently finalized the broader internal guidance developed to implement the voluntary drain tile setback program that is codified in this rule. We refer to this as the "internal guidance" or "internal setback guidance" in the remainder of this document. The internal guidance provides Service personnel with direction in administering the drain tile setback process program, which includes guidance on the timeframes for and calculation of Service-provided drain tile setback distances. The internal guidance is consistent with both this rule and the guidance memo, which as noted above is itself part of the internal guidance. The purpose of the internal guidance is to provide more detail than the guidance memo or this rule, particularly elaborating on calculation processes and providing guidelines for internal processes. The internal guidance is available to the public; for a copy, please contact your local U.S. Fish and Wildlife Service station (you can search by zip code, under Refine Your Search, or by map here: <https://fws.gov/our-facilities>). If you need help identifying and contacting your local station, see 50 CFR 2.2 for the contact information of the nearest Regional Office. Landowners who want to better understand the internal guidance or who have questions about the context of the guidance are encouraged to contact your local station.

This Final Rule

The regulations we are adopting in this final rule provide clarity and certainty to landowners that drain tile may be installed on lands encumbered by a wetland easement provided that protected wetland areas are not drained, directly or indirectly. This rule distinguishes Service wetland easements from the "Swampbuster" provisions of the Food Security Act of 1985 (also known as the "Farm Bill"; Pub. L. 99–198), which allow drain tile to have a "minimal effect" to wetlands. Service wetland easement agreements

with landowners include provisions that allow for no effect; hence, drain tile may be installed on a wetland easement tract, but it is a violation of the easement contract if the result is that the tile drains a protected wetland area.

Because the impact of a given drainage system on wetland areas varies greatly depending on site conditions, there are no one-size-fits-all specifications to prevent drain tile installation from draining wetlands and individualized calculations are needed for each drain tile installation. Therefore, on wetland easement lands, landowners will be able to voluntarily request that the Service provide them with individual drain tile setback distances. These regulations require the Service to establish drain tile setback distances based upon the best available science and with due consideration of soil characteristics, tile diameter, the depth of the tile below the surface, and/or topography that ensure protected wetland areas are not drained.

Additionally, these regulations ensure that landowners who adhere to the setback distances prescribed by the Service, including the tile diameters and tile depths below the surface that were used to calculate the Service-provided drain tile setback distances, will not be required to remove drain tile that is later found to have an adverse effect on protected wetland areas. In this way, these regulations recognize that our understanding of the effects that drain tile may have on wetland hydrology is an evolving science. Service-provided drain tile setback distances may prove inadequate to fully protect easement wetland areas from drainage. However, landowners who coordinate their tiling plans with the Service and adhere to the Service-determined setback distances will not later be held criminally responsible or civilly liable for disturbing, injuring, or destroying a unit of the National Wildlife Refuge System (*i.e.*, draining a protected wetland area) provided the subsurface drainage system is not modified, enhanced, or replaced. These regulations thus provide greater certainty and clarity for both landowners and the Service and encourage communication and collaboration.

Amendments to Existing Regulations

This rule codifies in the Code of Federal Regulations the following provisions:

(1) Within a Service-provided timeframe, the Service will provide setback distances for the placement of drain tile on lands covered by wetland easements in Iowa, Minnesota,

Montana, North Dakota, and South Dakota;

(2) The Service will provide guidance to landowners about what materials should be submitted as part of a request; and

(3) When a landowner coordinates tile planning with the Service in accordance with this guidance and adheres to the Service-provided drain tile setback distances, including the tile diameters and tile depths below the surface that were used to calculate the Service-provided drain tile setback distances, the Service will not seek legal redress if it is later determined that the Service-provided drain tile setback distances failed to protect the wetland areas from drainage, provided that the drain tile has not been modified, enhanced, or replaced.

The regulations will apply only to setbacks provided by the Service beginning on the effective date of this final rule (see **DATES**, above).

Statutory Authority

The Administration Act, as amended by the National Wildlife Refuge System Improvement Act of 1997 (hereafter, “the Improvement Act”; Pub. L. 105–57), governs the administration and public use of refuges.

Amendments enacted by the Improvement Act built upon the Administration Act in a manner that provides an “organic act” for the Refuge System, similar to organic acts that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the Refuge System as a national network of lands, waters, and interests for the protection and conservation of our Nation’s wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on the conservation of fish, wildlife, and plant resources and their habitats. The Administration Act, as amended, contains 14 directives to the Secretary of the Interior (Secretary), one of which states that, in administering the Refuge System, the Secretary shall ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges. The Administration Act also authorizes the Secretary to issue regulations to carry out the purposes of the Act.

Summary of Comments and Responses

On April 28, 2023, we published in the **Federal Register** (88 FR 26244) a proposed rule to establish new regulations for wetland easements that would bring consistency, transparency, and clarity for both easement landowners and the Service in the

administration of conservation easements, pursuant to the Improvement Act, as amended by the Improvement Act. We accepted public comments on the proposed rule for 60 days, ending June 27, 2023. By that date, we received comments from eight commenters on the proposed rule. One commenter’s comment was unrelated to the proposed rule. We discuss the remaining substantive topics raised by commenters below.

Comment (1): Five comments expressed general support for the proposed rule. These comments expressed support for drain tile setbacks as a “good idea” to protect wetlands while providing transparency and clarity for landowners whose land is encumbered with an easement for waterfowl management rights (commonly referred to as a wetland easement).

Our Response (1): We appreciate this general support. We designed this rule to make the drain tile setback process more open and transparent, and to simplify and clarify wetland easement responsibilities for both landowners and the Service.

We did not make any changes to the rule as a result of these comments.

Comment (2): Two comments asked the Service to withdraw the proposed rule in its entirety.

Our Response (2): The Service carefully considered the concerns and reasons presented in each of these comments underlying the request to withdraw the proposed rule and not issue a final rule. These concerns, which are addressed below, do not individually or cumulatively provide a persuasive rationale for the Service to withdraw the proposed rule, nor to postpone the issuance of this final rule for further consideration.

Notably, each of these comments expressed support for the Service’s guidance memo for wetland easements (see Internal Guidance for Calculating Drain Tile Setbacks, above). The commenters also implied that a part of their reasoning for requesting that the Service withdraw the proposed rule was grounded in the belief that a final rule would supersede the guidance memo; both commenters stated a preference for the guidance memo. As discussed further below in our response to *Comment (14)*, this rule is consistent with the guidance memo, and that guidance memo remains in effect with the publication of this final rule.

We did not make any changes to the rule as a result of these comments.

Comment (3): One comment urged general caution with this rule, given that

it allows drain tile into an area with wetland easements.

Our Response (3): The Service acknowledges the concerns underlying this comment and is committed to protecting the wetlands under our easements. At the same time, the Service cannot constrain a landowner’s rights without the appropriate agreement and compensation. Through a wetland easement, the Service buys minimally restrictive rights, so the landowner may not drain, burn, fill, or level wetland areas, but we do not purchase rights specifically concerning the installation of drain tile. In some cases, it is possible for landowners to install tile within the boundaries of wetland easements without draining wetland areas, and they have the right to do so in such cases.

The Service’s solution to balancing our right to prohibit draining of wetlands under the easement and a landowner’s right to install drain tile within the easement boundary, as long as it does not drain those wetlands, is the Service-provided setback process codified by this rulemaking. The need for caution and care in the installation of tile near wetlands is met when landowners coordinate with the Service and are provided with setbacks that adequately protect easement wetlands.

We did not make any changes to the rule as a result of this comment.

Comment (4): Two commenters requested that we ensure the rule considers or is consistent with other drainage and water laws in Iowa, Minnesota, and North Dakota.

Our Response (4): The Service routinely works and coordinates with State agency partners on various aspects of our conservation mission, including water rights and wetland management. The Service works with State agencies, landowners, drainage districts, and water boards regarding efforts to maintain, repair, and replace drain tile and ditches so that drainage of non-easement protected wetlands can continue when in compliance with State and local laws and regulations and when that work will not infringe on the terms of the easement agreement or on the Service’s authorities under the Improvement Act or the Migratory Bird Conservation Act (16 U.S.C. 715–715d). We also work with and share resources with States, landowners, drainage districts, and water boards on actions that protect or otherwise benefit fens and other wetlands where we have the jurisdiction and authority to do so.

In shaping this rule, the Service did fully consider existing State laws. This rule does not conflict with any State law, and the same is true for our

wetland easement agreements, but in application to specific drain tile projects, this rule and the specific easement agreement may impose different requirements and limitations than those under State law. This is because the Service must protect the legal property interest that was paid for in the wetland easement agreement. The rights acquired protect wetland areas from being drained, burned, filled, or leveled. If these easements could not protect wetlands beyond the baseline protections under applicable State laws, they would have no value to the Service.

In cases where easement agreement requirements impose limitations beyond State law, the easement agreement, and the Service's authority to enforce its terms under the Improvement Act and Migratory Bird Conservation Act, typically supersede the applicable State law. In the *United States v. Vesterso* (828 F.2d 1234 (8th Cir. 1987)), the Eighth Circuit Court of Appeals upheld that the digging of ditches that damaged Federal easement wetlands in North Dakota was a violation of law and of the easement agreement, even though the digging was permissible under State law. The court found that, under the Administration Act, differences in requirements between Federal easements and State law are to be resolved on a case-by-case basis, so neither overrides the other in all cases. The Federal interest in the natural state of wetlands under an easement must be balanced against the State interest in and authority over State waters. On this point, the Court's opinion stated that while the Service was correct in this case and the easement agreement controlled, the Service does not have a general, absolute right to prohibit alteration of a wetland or interference of the natural flow of water under an easement.

We did not make any changes to the rule as a result of these comments.

Comment (5): Three comments referenced other permitting agencies and/or drainage laws and encouraged the Service to notify landowners receiving Service drain tile setbacks that other agencies, including Federal, State, and local governments, local watersheds and water boards, and other permitting authorities, will need to be consulted to ensure landowners' drain tile projects comply with other permitting entities.

Our Response (5): As part of our standard process, the Service notifies landowners that the drain tile setback received from the Service only addresses the Service's wetland easement on their property and that they will need to coordinate with State

and local governments, watersheds, water boards, and other permitting authorities when installing drain tile on their land to ensure their project complies with all Federal, State, local, and other laws, statutes, codes, and policies.

We did not make any changes to the rule as a result of these comments.

Comment (6): Three comments requested that the Service specifically state in the regulation what the "Service-provided timeframe" is for processing a drain tile setback.

Our Response (6): The Service understands the concern of landowners and other stakeholders for timely delivery of setback decisions. We are committed to timely communication and delivery of setback distances. Our aim is to provide landowners with an estimate of the setback calculation timeline for their specific case within 2 business weeks of receiving their request on FWS Form 3–2554. We also anticipate that, in most cases, we will be able to provide drain tile setback distances within 60 calendar days. However, there are various factors that prevent the Service from specifying a uniform deadline for this process. This includes logistical factors, such as the availability of expert personnel and scheduling of on-site assessments, and factors that are a part of the actual calculations, such as the unique physical features of a given wetland. Several of these factors are noted in our publicly available internal guidance for calculating setbacks (see Internal Guidance for Calculating Drain Tile Setbacks, above). In that internal setback guidance, we provide the guiding principles for what constitutes a reasonable timeframe for Service employees calculating setback distances.

We did not make any changes to the rule as a result of these comments.

Comment (7): One commenter asked what was meant by the term "best available science" and questioned the absence of a definition in the proposed rule.

Our Response (7): The term "best available science" is a well-defined and long-established legal standard for the actions of science-driven Federal Government agencies. For example, the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended, requires species listings to be based on the "best scientific and commercial data available." As the use of the term in this final rule does not depart from its established legal meaning, which itself is consistent with the plain meaning of the phrase, providing a definition in this rule is not necessary.

The Service will ensure that our policy for, our guidance on, and our implementation of the wetland easement program are all based on scientific data and information. We will also ensure that, of the sources of relevant scientific information available to us, we make use of the "best" science by considering objective indicators of scientific quality such as peer review, replication, quality and calibration of equipment, robustness of models, and so forth, when determining which information should carry the most weight in our processes.

We did not make any changes to the rule as a result of this comment.

Comment (8): Two comments expressly noted that the provisions of the proposed rule would have no retroactive effect, but seemed to have different understandings of the implications of this fact and differing opinions as to whether the rule should have retroactive effect.

Our Response (8): Clarification on the point of retroactivity should resolve the concerns of both of these commenters and any other members of the public on this point.

The regulations in this rulemaking will not have retroactive effect; they will apply only to setbacks provided by the Service beginning on the effective date of this final rule (see **DATES**, above). This rule creates a voluntary process for landowners to request drain tile setback distances. There is no requirement to request or to make use of Service-provided setback distances, but the rule does provide a legal safe harbor for those landowners who do both. Thus, those landowners who have never before requested setback distances from the Service are in the same position regardless of whether or not the rule has retroactive effect. This is why the absence of retroactive effect could only be relevant to those landowners who received Service-provided setback distances under our guidance memo on drain tile setbacks (see Internal Guidance for Calculating Drain Tile Setbacks, above). In that case, however, the position of those landowners is also unchanged, since the guidance memo remains in full effect and will guide refuge personnel in implementing these new regulations. This rule merely codifies the key principles of our guidance memo.

In summary, the rule only has prospective effect, but this does not change the status of either (1) landowners who have never requested setback distances and thus have no legal safe harbor should they install tile that drains an easement wetland; or (2) landowners who requested and

complied with setback distances and thus do have a legal safe harbor should their drain tile nevertheless drain an easement wetland. What the prospective effect does mean is that the voluntary process for setback requests and receiving legal safe harbor is further solidified by inclusion in our regulations and that landowners who request and fully comply with setback distances from the Service in the future can be assured of legal safe harbor.

We did not make any changes to the rule as a result of these comments.

Comment (9): Two commenters requested that the Service offer assurance that a landowner who follows the Service-provided setback will be afforded a legal safe harbor regardless of whether the Service-provided setback distances do or do not protect the wetland from drainage.

Our Response (9): The Service understands the importance for landowners of our commitment not to seek legal redress against landowners who coordinate with the Service and fully cooperate with the Service's setback determinations. In fact, providing assurance on this point is one of the Service's primary reasons for pursuing this rulemaking. This rule codifies exactly this type of assurance for landowners, as directly stated in the regulatory provisions at 50 CFR 25.24(c) (see Regulation Promulgation, below). Regarding this protection from legal redress, the regulations we are adopting in this rule specifically state that when a landowner coordinates tile planning with the Service in accordance with the regulations and adheres to the Service-provided drain tile setback distances, then the Service will not seek legal redress if it is later determined that the drain tile setback distances provided by the Service failed to protect the wetland areas from drainage, provided that the drain tile has not been modified, enhanced, or replaced.

We did not make any changes to the rule as a result of these comments.

Comment (10): One comment requested that the regulations clarify that maintenance and repairs of drain tile systems installed in accordance with Service guidance or coordination are permissible without any further agency involvement.

Our Response (10): Landowners with wetland easements on their property are always allowed to install and to maintain drain tile systems, but if the tile drains wetlands in violation of the Service's easement, then the landowner may face legal action. In the interest of both parties, the Service offers a voluntary process for landowners to request a Service-provided setback;

landowners who fully comply with the Service-provided setback distances when installing or maintaining a drain tile system are shielded from legal action. In the case of a landowner's actions to maintain or repair a drain tile system, remaining within this legal safe harbor requires that the landowner's maintenance or repair actions do not amount to a modification, enhancement, or replacement of the system. This requirement is provided in the regulatory provision at 50 CFR 25.24(c) (see Regulation Promulgation, below), where it clearly states that drainage of an easement wetland, after installation of a drain tile system in accordance with a Service-provided setback, will not result in the Service taking legal action provided that the drain tile has not been modified, enhanced, or replaced.

Drain tile systems installed in accordance with Service guidance or coordination should not drain easement-protected wetland areas. Therefore, routine maintenance and repair actions that do not amount to modification, enhancement, or replacement, whether or not coordinated with the Service, would not invalidate the safe harbor protections provided to landowners who install drain tile systems in accordance with Service-provided setbacks and other guidance. A true maintenance or repair action should not change the tile system in a way that impacts the Service's setback distances. For example, substituting one 4-inch tile for another 4-inch tile at the same location and depth would be a routine repair that does not invalidate the landowner's legal safe harbor. This difference between a routine maintenance and repair action and an action to modify or enhance the drain tile system, or to replace it with another system altogether, is commonly understood for those landowners who employ and those service providers who install drain tile systems, so further clarification in the regulatory provision is not necessary.

At the same time, a wetland easement agreement is a commitment to shared responsibility for the designated wetlands and an important piece of that shared responsibility is effective communication between landowners and the Service. The Service encourages landowners to be generally communicative about all aspects of wetland easement agreements and is committed to helpful communication in return. Specific to maintenance and repair of a drain tile system installed in accordance with Service-provided setback distances, continued communication is as mutually

beneficial as the setback process. In fact, the only way for a landowner to be truly certain whether the maintenance or repair actions they wish to take would constitute a modification, enhancement, or replacement, and thus whether they remain within the legal safe harbor regulatory provision, is to coordinate the maintenance or repair with the Service.

We did not make any changes to the rule as a result of this comment.

Comment (11): One comment stated that there should be no need for any later assessments or determinations of whether the setback distances provided the desired wetland protection where a landowner installs drain tile based on Service-provided setback distances, given the legal safe harbor for the landowner in the event the wetland is drained.

Our Response (11): The Service periodically monitors all of our wetland easements using a variety of nonintensive methods, such as aerial photography. In the interest of both landowners and minimal disturbance to wetlands, we seek to not monitor more often or more intensively than necessary. Our existing publicly available policy on wetland easements requires periodic monitoring and sets out the monitoring methods that our personnel may use (see Service Manual at 601 FW 6 at <https://www.fws.gov/policy-library/601fw6>).

In the specific situation of a landowner installing drain tile according to Service-provided setbacks, we will continue to monitor the wetlands on that property in the same manner as any other property subject to an easement. We will do this for three reasons. First, as noted above, our policy requires monitoring all of our wetland easement interests. Second, we need to monitor these wetlands in the interest of our overall migratory bird and waterfowl wildlife management responsibilities and wildlife conservation mission, which constitute the purpose for obtaining and maintaining these easements. Third, while the landowner may have complied with Service-provided setbacks at the time of drain tile installation, full compliance with the Service's setbacks under these regulations, and thus securing the legal safe harbor for the landowner, also requires that a landowner does not subsequently modify, enhance, or replace the drain tile system. This means that we need to continue monitoring to identify when an easement wetland has been drained. If an easement wetland has been drained, we determine whether the landowner

has modified, enhanced, or replaced the drain tile system in order to determine whether or not the legal safe harbor applies and the Service should or should not seek legal redress. Moreover, monitoring for this purpose is critical because identifying when an easement wetland has been drained may be the best, or even the only, signal for us that a landowner has modified, enhanced, or replaced the drain tile system after the initial installation.

We did not make any changes to the rule as a result of this comment.

Comment (12): One comment urged that the Service should not seek legal redress against a landowner in cases where a drainage district acts in a manner inconsistent with the provisions in the proposed rule, and that this should be stated in the regulations.

Our Response (12): It is unclear how a drainage district could act inconsistently with the provisions in this rule, as this rule provides a process for landowners to request and obtain setback distances from the Service and, if they fully comply with those setback distances, be assured of a legal safe harbor in the event a wetland is drained. Assuming that the commenter is referring to actions taken by a drainage district that could violate the terms of a wetland easement, such as draining an easement-protected wetland, then our response is that we cannot provide any such provision in the regulations.

The Service will determine an appropriate response in this type of situation on a case-by-case basis, and accordingly will not commit to any blanket limitation on our options for legal redress merely because a drainage district is involved and may bear more responsibility than the landowner for the easement violation. Unless the legal safe harbor for landowners codified by this rule applies, the Service reserves the right to seek legal redress against any and all responsible parties in the event of drainage of a wetland in violation of a wetland easement, or any other violation of the terms of a wetland easement, to the full extent of applicable law.

We did not make any changes to the rule as a result of this comment.

Comment (13): One comment expressed the concern that due to the distribution of small easement wetlands throughout a landowner's property and the setback distances provided by the Service, there might not be any location on the property where the landowner can install drain tile that complies with the Service's setbacks. This commenter was also concerned that in this case the rule prevents the landowner from installing drain tile.

Our Response (13): This rule does not prevent any landowner from installing drain tile. As discussed above under our response to *Comment (10)*, landowners with wetland easements on their property are always allowed to install drain tile systems, but if the tile drains wetlands in violation of the Service's easement, then the landowner may face legal action.

The situation described by this commenter is possible. The locations and measurements of the overall property, the protected wetland areas, and the calculated setback distances may in some cases be such that there is no location within the borders of the overall property where drain tile can be placed that is setback from all easement wetlands at the distances determined by the Service's calculations. In such a case, the landowner may nevertheless choose to install drain tile, but they would do so at the risk of draining one or more easement wetlands and without the assurance of a legal safe harbor.

Conversely, other landowners may find that they are able to install drain tile on a wetland easement and setback from all wetlands in full compliance with the setback distances calculated by the Service, and thus ensure a legal safe harbor for the installation. Where a landowner's property fits along the continuum bounded by these two situations depends on the size and distribution of the wetlands, the hydrology of the wetlands, and other factors unique to each property.

We did not make any changes to the rule as a result of this comment.

Comment (14): Two comments expressed support for the Service's guidance memo on calculating drain tile setbacks, finalized in 2020. Both of the comments urged the Service to revise the proposed rule to explicitly reference the guidance memo, and one also urged codifying the setback calculation content from the existing Service guidance.

Our Response (14): The guidance memo remains in full effect (see Internal Guidance for Calculating Drain Tile Setbacks, above). The guidance memo, as well as our internal guidance more generally and any future updated guidance, need not be expressly referenced in the regulations in order to guide Service administration of wetland easements (see Internal Guidance for Calculating Drain Tile Setbacks, above). There is nothing incongruent between the guidance memo and this rule. The guidance memo was developed based on the best science available at that time. It also assures landowners that the Service will not pursue legal redress should it later be determined that

setback distances were inadequate to protect adjacent wetland areas from drainage. This regulation codifies these two principles, ensuring that Service calculations will be based on the best available science to prevent protected wetland areas from drainage and that landowners who fully cooperate with Service-provided setbacks will have a legal safe harbor.

Including the calculation processes of the Service's guidance memo in the regulations, however, would not be in the interest of the Service or landowners. In order for setback calculations to be based on the best available science, the Service needs to be able to update our processes as empirical experience and new scientific studies provide new information. Updating those processes through rulemaking is inefficient and unnecessary. As the Service and other agencies routinely do, the Service has codified our obligation to use the best available science in regulation and will then keep our publicly available, detailed internal guidance up-to-date and effective. This will allow us to best protect wetlands while also providing accurate, no-farther-than-necessary setback distances to landowners.

We did not make any changes to the rule as a result of these comments.

Comment (15): One comment included a request that the Service make the methodology for determining a drain tile setback publicly available, and that the Service invite public comments any time the Service proposes to change the methodology.

Our Response (15): The Service's internal setback guidance documents containing the methodology for determining a drain tile setback are publicly available (see Internal Guidance for Calculating Drain Tile Setbacks, above). Landowners retain the right to challenge the Service's methodology if they believe there was an error in our methodology or in our application of the methodology to their case. This provides an efficient, reasonable, and open process for setback determinations.

The Service's methodology was established using the best available science and the expertise and best professional judgment of Service personnel to provide adequate protection for wetland easement areas.

We did not make any changes to the rule as a result of this comment.

Comment (16): Two comments called for the Service to establish an administrative appeal process that is independent of the direction and control of the Service.

Our Response (16): Administrative appeals processes are a common feature of good government throughout Federal agencies. These processes allow agency subject-matter expertise to form the administrative hearing record and inform the decision reached on appeal. They also allow the agency to double-check its initial decision so that it can identify, and thereby more quickly address, any errors that were made. Regulated parties, in this case landowners, always have the option of appealing the ultimate agency decision to a judicial branch court after exhausting the administrative appeals process, which is sufficient to address any potential errors in the administrative appeal process that could harm their interests.

In the U.S. Federal Government, no administrative appeals process external to the agency whose final decision is being challenged exists. Quasi-independent administrative tribunals and review boards do exist, such as the Environmental Appeals Board, a body that hears appeals of Environmental Protection Agency (EPA) final decisions and reports directly to the EPA Administrator outside of the regular EPA line authority. The commenters presented no compelling evidence that the current administrative appeals process is inherently flawed or not reaching appropriate determinations concerning wetland easements. The Service is also not otherwise aware of any reasons the existing appeals process is inadequate. We do not see any need at this time to devote considerable resources toward the creation of a quasi-independent body to hear appeals of Service decisions concerning wetland easements.

Landowners who disagree with a Service-provided setback distance, or another final decision concerning wetland easements, may appeal to the appropriate Regional Director in accordance with the procedure established by 50 CFR 25.45.

We did not make any changes to the rule as a result of these comments.

Comment (17): One comment questioned how landowners will be notified of the responsibility to request a setback to protect the wetlands on their land that are subject to a wetland easement.

Our Response (17): This rule does not obligate or require any landowner to request a drain tile setback. We have created a voluntary process for landowners to request and receive a Service-provided drain tile setback to facilitate coordination between landowners and the Service and to improve landowner compliance with

the requirements of the Service's wetland easements. This process benefits landowners in that it provides a legal safe harbor for landowners who fully comply with the Service's setback determination, as the Service will not seek legal redress in the event that the wetland drains despite the landowner's adherence to the Service's setback determination. Landowners have the right to install drain tile on their land without requesting a Service-provided setback, but in that case, they are legally obligated to ensure by their own efforts that the drain tile does not violate any wetland easement agreement with the Service by draining protected wetlands.

While the setback request process is voluntary, the Service will make efforts to notify landowners about this mutually beneficial opportunity. The Service intends to publicize the opportunity through various communication channels. In fact, our existing internal guidance provides strategies, and our process includes steps for communication with landowners concerning their ability to request a Service-provided setback. The publication of this rule and the regulations that we are codifying in the Code of Federal Regulations will also serve as public notice of this opportunity for landowners with wetland easement agreements.

We did not make any changes to the rule as a result of this comment.

Comment (18): One comment expressed concern that the rule does not clearly tell the landowner what lands are subject to the easement or provide adequate notice as to the reasonable parameters of the easement.

Our Response (18): This rule provides a general framework for the Service in regulating all of our wetland easement interests, so it is not the appropriate place to delineate individual easement boundaries in detail. The appropriate place to clarify the boundaries of the Service's wetland easement is in each wetland easement agreement document itself. That is why each easement document includes a clear legal description of the lands that are subject to the easement. In fact, multiple courts have found the parameters in individual easement documents to be clear (see, e.g., *United States v. Albrecht*, 496 F.2d 906 (8th Cir. 1974) (using the phrase "precise draftsmanship" in reference to the terms of the easement agreement), and *United States v. Seest*, 631 F.2d 107 (8th Cir. 1980)).

For the same reasons, this rule is not the appropriate means of notifying landowners of the parameters of wetland easements. Landowners are adequately notified of the easement and

the extent to which it encumbers their property either when signing the wetland easement agreement with the Service or when performing due diligence before obtaining land subject to an existing wetland easement from another private landowner. Every easement document is registered and publicly available in the applicable State or county land records, and landowners can also obtain a copy by contacting their local U.S. Fish and Wildlife Service station. (If you need help identifying and contacting your local station, see 50 CFR 2.2 for the contact information of the nearest Regional Office.) Review of the easement document provides a landowner with the necessary details of the boundaries of the easement. Thus, landowners should know of all the reasonable parameters. Landowners who are nevertheless unsure of the parameters of an easement are welcome to consult the Service by contacting their local U.S. Fish and Wildlife Service station. (If you need help identifying and contacting your local station, see 50 CFR 2.2 for the contact information of the nearest Regional Office.)

We did not make any changes to the rule as a result of this comment.

Comment (19): One comment requested that, for newly acquired wetland easements, the Service ensure landowners agreeing to the easements understand what limitations are associated with drain tile installation.

Our Response (19): The Service takes steps to ensure that new landowners are aware of the limitations on drain tile installation that wetland easements require. The Service's Realty Specialists working with new landowners who are enrolling their land in wetland conservation easements inform landowners of what rights the Service acquires or restricts during the easement agreement process. This ensures landowners are aware of what a wetland easement will mean for them before they sign an easement document. Most importantly, the Service clearly articulates that no wetlands protected by the easement can be drained. If a landowner wants to retain the ability to drain a given wetland area, they can choose to not include that individual wetland area in the wetland easement.

We did not make any changes to the rule as a result of this comment.

Comment (20): Two comments requested that the regulations be revised to inform landowners exactly what information and materials will be required from them when they request a drain tile setback.

Our Response (20): The Service recognizes that landowners are rightfully cautious about their private information. The Service developed FWS Form 3–2554 for landowners to use to request a drain tile setback from the Service. The form was available for public comment in our Information Collection Request on OMB’s website at <https://www.reginfo.gov/public/>. In response to these comments, this final rule now directly references the form. FWS Form 3–2554 requests basic contact information for the landowner, along with the easement number(s) for the specific land covered by the wetland easement. In response to these comments, we have revised the form to also request desired tile depths and diameters, as well as attachment of relevant installation plans, to facilitate our setback calculations.

It would be inefficient to specify in our regulations the exact information requested by the form, especially as this could change over time. Instead, the Service is specifying the form in the regulations, has ensured the form contains all currently needed information, and will ensure the form remains updated in the future. The Service is following processes established by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) for FWS Form 3–2554. This includes ensuring that the information collection is reasonable, that no more information is collected than necessary, and that the form is renewed every 3 years so that it remains updated and compliant with the other requirements. The Privacy Act of 1974 (5 U.S.C. 552a) also ensures that private information provided on the form is protected.

We made changes to the rule as a result of these comments. Specifically, we added a direct reference to FWS Form 3–2554 and added additional fields to the form. This provides greater clarity on what information and materials landowners must provide when requesting a drain tile setback.

Comment (21): One comment expressed concern that the proposed rule does not include any assurances that information provided by landowners will be confidential and not subject to the Freedom of Information Act (FOIA; 5 U.S.C. 552, as amended by Pub. L. 104–231, 110 Stat. 3048).

Our Response (21): The Service, like all other agencies in the Executive Branch, must comply with FOIA. FOIA requires that any person may request access to records of the Executive Branch of the United States, and copies of the records must be provided in full, except to the extent that all or specific portions of the record fall under one or

more of the exempt categories. Among these exempt categories are information that would violate an individual’s right to privacy and information that constitutes trade secrets or other confidential commercial or financial information (see 5 U.S.C. 552(b)). Thus, the Service may be compelled to turn over redacted copies of certain records concerning wetland easements, but the personally identifiable information of landowners and any proprietary commercial information in the records, including the information collected on FWS Form 3–2554, are exempt from FOIA and not disclosed. As this is a general exemption to FOIA applicable across the Federal Government, it need not be specified in our regulations. We did, however, add a standard FOIA statement to the form that helps to clarify the point that business information is FOIA exempt and directs landowners to label the information that they consider to be business information when submitting the form.

We did not make any changes to the rule as a result of this comment, but we did modify the associated setback request form to add a standard FOIA statement on business information.

Changes From the Proposed Rule

As discussed above under Summary of Comments and Responses, based on comments we received on the April 28, 2023, proposed rule (88 FR 26244), we made changes in this final rule and to the associated setback request form. In this final rule, we added a direct reference to FWS Form 3–2554 in the regulation at 50 CFR 25.24(b) (see Regulation Promulgation, below). In the FWS Form 3–2554, we added three fields pertaining to technical information: one requesting the desired depths of the drain tile installation, if known; one requesting the desired diameters of the drain tile installation, if known; and one requesting that the landowner attach their drain tile installation plan, if available. We also added a standard FOIA statement to the form that clarifies business information is FOIA exempt and directs landowners to label the information that they consider to be business information when submitting the form. These changes were made in response to comments requesting that we provide more specificity as to what information and materials landowners will be asked to include when requesting a Service-provided setback.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866, 13563, and 14094)

Executive Order 14094 reaffirms the principles of E.O. 12866 and E.O. 13563 and states that regulatory analysis should facilitate agency efforts to develop regulations that serve the public interest, advance statutory objectives, and are consistent with E.O. 12866, E.O. 13563, and the Presidential Memorandum of January 20, 2021 (Modernizing Regulatory Review). Regulatory analysis, as practicable and appropriate, shall recognize distributive impacts and equity, to the extent permitted by law. We have developed this rule in a manner consistent with these requirements.

E.O. 12866, as reaffirmed by E.O. 13563 and E.O. 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 rulemaking action is not significant.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency must publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities. However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for “significant impact” and a threshold for a “substantial number of small entities.” See 5 U.S.C. 605(b).

Within the Prairie Pothole Region (comprising Iowa, Minnesota, North Dakota, South Dakota, and Montana), there are approximately 28,000 wetland easements, of which the majority are located on privately owned farmland. Thus, small businesses within the crop production industry (North American Industry Classification System 111) may be impacted by the rule. One aspect of the rule codifies the Service’s existing drain tile setback practices; therefore,

the effect of this regulatory provision on small businesses will be negligible. The rule also provides legal certainty for landowners who adhere to the setback distances prescribed by the Service. The information collection form to request the setback distances is estimated to take 25 minutes, which will be negligible for small businesses. Currently, approximately 20 landowners annually (less than 0.01 percent) must remove drain tile systems because they do not adhere to the contract that granted the easement. As a result of the added benefit of legal certainty, the rule may provide the incentive to these landowners to adhere to the contract and, thus, reduce the costs of removing drain tile systems. The average annual number of small businesses (20) potentially impacted by this rulemaking is not substantial.

Therefore, we certify that this rule will not have a significant economic effect on a substantial number of small entities as defined under the RFA. A regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required.

Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2) of the Congressional Review Act. We anticipate no significant employment or small business effects. This rule:

- a. Will not have an annual effect on the economy of \$100 million or more. The minimal impact will be scattered across five States and will most likely not be significant in any local area.
- b. Will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions.
- c. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This rule will not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The rule will not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this rule will not have significant takings implications. A takings implication

assessment is not required. The rule does not have any takings implications because it will not impact protected property rights. The rule provides clarity and standardization of the Service's existing process for providing drain tile setback distances to landowners and provides landowners with legal protection when they choose to follow the Service's setback distances. The rule does not require landowners to consult the Service regarding setback distances, nor does it require landowners to follow the Service's setback distances if they are provided.

Federalism (E.O. 13132)

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

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Department of the Interior has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Energy Supply, Distribution or Use (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A statement of energy effects is not required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian Tribes.

Paperwork Reduction Act (PRA)

This rule contains new information collections. All information collections require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB reviewed the information collection requirements associated with requesting

individualized drain tile setback distances for wetland easements in the PPR and assigned the placeholder OMB Control Number 1018–0196, pending final review and approval of the following:

Requests for Drain Tile Setbacks (FWS Form 3–2554)

Upon the request of a landowner (via submission of FWS Form 3–2554), the Service will provide setback distances for the placement of drain tile on lands covered by wetland easements. The setback distances will be based on best available science and must be adequate to ensure protected wetland areas are not drained. Information collected via FWS Form 3–2554 includes basic contact information for the landowner, along with the easement number(s) for the specific land covered by the wetland easement.

Revisions to Form Since Proposed Rule Phase: In response to public comments, we revised the form to also collect technical information about the contemplated drain tile installation, specifically the desired drain tile depths and diameters, and request that the landowner attach any plans they have prepared for the installation (e.g., a geographic information system (GIS) Shapefile). We also updated the reporting and recordkeeping time burden estimates to be 10 minutes for reporting and 15 minutes for recordkeeping. Finally, we added a standard FOIA statement to the form that clarifies business information is FOIA-exempt and directs landowners to label the information that they consider to be business information when submitting the form.

The Service will provide guidance to landowners about what materials should be submitted as part of a request and will provide setback distances to landowners within a Service-provided timeframe. When a landowner coordinates their tile planning with the Service in accordance with this guidance and adheres to the Service-provided drain tile setback distances, the Service will not seek legal redress if it is later determined that Service-provided drain tile setback distance failed to protect the wetland areas from drainage, provided that drain tile has not been modified, enhanced, or replaced.

Title of Collection: Requests for Drain Tile Setback (50 CFR part 25).

OMB Control Number: 1018–0196.

Form Number: FWS Form 3–2554.

Type of Review: New.

Respondents/Affected Public: Individuals/households, businesses, and State/local/Tribal governments.

Total Estimated Number of Annual Respondents: 150.

Total Estimated Number of Annual Responses: 150.

Estimated Completion Time per Response: 5 minutes for reporting and 10 minutes for recordkeeping requirements.

Total Estimated Number of Annual Burden Hours: 63.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

On April 28, 2023, we published in the **Federal Register** (88 FR 26244) a proposed rule (RIN 1018–BG80) that announced our intention to request OMB approval of the information collections identified in the rule. In that proposed rule, we solicited comments for 60 days on the information collections in this submission, ending on June 27, 2023. Summaries of comments addressing the information collections contained in this rule, as well as the agency response to those comments, can be found above under Summary of Comments and Responses, as well as in the information collection request submitted to OMB on the *RegInfo.gov* website at <https://www.reginfo.gov/public/>.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on any aspect of this information collection, including:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on 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 response.

Send your written comments and suggestions on this information collection by the date indicated in **DATES** to OMB, with a copy to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA

22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference “OMB Control Number 1018–0196 Drain Tile Setbacks” in the subject line of your comments.

National Environmental Policy Act

We are required under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) to assess the impact of any Federal action significantly affecting the quality of the human environment, health, and safety. We have determined that the rule falls under the class of actions covered by the following Department of the Interior categorical exclusion: Policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case (43 CFR 46.210(i)). The regulations codify existing Service practice in administering minimally restrictive wetland easements.

Primary Author

Debbie DeVore, Division of Natural Resources and Conservation Planning, National Wildlife Refuge System, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 25

Administrative practice and procedure, Concessions, Reporting and recordkeeping requirements, Safety, Wildlife refuges.

Regulation Promulgation

For the reasons set forth in the preamble, we amend title 50, chapter I, subchapter C of the Code of Federal Regulations as set forth below:

PART 25—ADMINISTRATIVE PROVISIONS

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

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i, 3901 *et seq.*; and Pub. L. 102–402, 106 Stat. 1961.

Subpart B—Administrative Provisions

■ 2. Revise § 25.23 to read as follows:

§ 25.23 Information collection requirements.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this part and assigned OMB Control Numbers 1018–0102, 1018–0140, 1018–0181, and 1018–0196 (unless otherwise

indicated). Federal agencies 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. Direct comments regarding the burden estimates or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 3. Add § 25.24 to read as follows:

§ 25.24 Drain tile setbacks.

(a) *Applicability.* The regulations in this section apply to any easement lands protected by a U.S. Fish and Wildlife Service easement for waterfowl management rights (commonly referred to as a wetland easement) that were acquired through the Small Wetlands Acquisition Program in the Prairie Pothole Region of Iowa, Minnesota, Montana, North Dakota, and South Dakota. The regulations in this section apply only to setbacks provided by the Service beginning on June 12, 2024.

(b) *Drainage tile setbacks.* Upon the request of a landowner, using FWS Form 3–2554, the Service will provide setback distances for the placement of drain tile on lands covered by wetland easements. The setback distances will be based on the best available science and must be adequate to ensure that protected wetland areas are not drained. Contact your local U.S. Fish and Wildlife Service station to obtain further information. You can obtain contact information for your local Service station by contacting one of the Service regional offices; addresses for these offices are at 50 CFR 2.2.

(c) *Protection from legal redress.* The Service will provide guidance to landowners about what materials should be submitted as part of a request and will provide setback distances to landowners within a Service-provided timeframe. When a landowner coordinates tile planning with the Service in accordance with the regulations in this section and adheres to the Service-provided drain tile setback distances, including the tile diameters and tile depths below the surface that were used to calculate the Service-provided drain tile setback distances, the Service will not seek legal redress if it is later determined that the drain tile setback distances provided by the Service failed to protect the wetland areas from drainage, provided that the

drain tile has not been modified,
enhanced, or replaced.

Shannon Estenoz,

*Assistant Secretary for Fish and Wildlife and
Parks.*

[FR Doc. 2024–10242 Filed 5–10–24; 8:45 am]

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Proposed Rules

Federal Register

Vol. 89, No. 93

Monday, May 13, 2024

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

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 208

[DHS Docket No. USCIS–2024–0005]

RIN 1615–AC91

Application of Certain Mandatory Bars in Fear Screenings

AGENCY: U.S. Citizenship and Immigration Services (“USCIS”), Department of Homeland Security (“DHS” or “the Department”).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: DHS proposes to allow asylum officers (“AOs”) to consider the potential applicability of certain bars to asylum and statutory withholding of removal during certain fear screenings. Specifically, under this proposed rule, AOs would be authorized to consider certain bars during credible and reasonable fear screenings, including credible fear screenings where the Circumvention of Lawful Pathways (“CLP”) rule applies. The proposed rule is intended to enhance operational flexibility and help DHS more swiftly remove certain noncitizens who are barred from asylum and statutory withholding of removal.

DATES: Written comments on the proposed rule must be submitted on or before June 12, 2024. The electronic Federal Docket Management System will accept comments prior to midnight eastern time at the end of that day.

ADDRESSES: You may submit comments on the entirety of this proposed rule package, identified by DHS Docket No. USCIS–2024–0005, through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the website instructions for submitting comments.

Comments submitted in a manner other than the one listed above, including emails or letters sent to the Department’s officials, will not be considered comments on the proposed rule and may not receive a response

from the Department. Please note that the Department cannot accept any comments that are hand-delivered or couriered. In addition, the Department cannot accept comments contained on any form of digital media storage devices, such as CDs, DVDs, or USB drives. The Department is not accepting mailed comments at this time. If you cannot submit your comment by using <https://www.regulations.gov>, please contact Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by telephone at (240) 721–3000 for alternate instructions.

FOR FURTHER INFORMATION CONTACT:

Daniel Delgado, Director for Immigration Policy, Office of Strategy, Policy, and Plans, U.S. Department of Homeland Security; telephone (202) 447–3459 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested parties are invited to submit comments on this action by submitting relevant written data, views, or arguments. To provide the most assistance to the Department, comments should reference a specific portion of the proposed rule; explain the reason for any recommendation; and include data, information, or authority that supports the recommended course of action. Comments submitted to DHS must be in English, or an English translation must be provided. Comments submitted in a manner other than those listed above, including emails or letters sent to the Department’s officials, will not be considered comments on the proposed rule and may not receive a response from the Department.

Instructions: If you submit a comment, you must include the agency name and the DHS Docket No. USCIS–2024–0005 for this rulemaking. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov> and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any public comment submission you make to the Department. The Department may withhold information provided in

comments from public viewing that they determine may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at <https://www.regulations.gov>.

Docket: For access to the docket and to read background documents or comments received, go to <https://www.regulations.gov>, referencing DHS Docket No. USCIS–2024–0005. You may also sign up for email alerts on the online docket to be notified when comments are posted or when the final rule is published.

II. Legal Authority and Background

A. Legal Authority

The Immigration and Nationality Act (“INA”), as amended by the Homeland Security Act of 2002 (“HSA”), Public Law 107–296, 116 Stat. 2135, as amended, charges the Secretary “with the administration and enforcement of [the INA] and all other laws relating to the immigration and naturalization of aliens,” except insofar as those laws assign functions to the President or other agencies. INA 103(a)(1), 8 U.S.C. 1103(a)(1). The INA also grants the Secretary the authority to establish regulations and take other actions “necessary for carrying out” the Secretary’s authority to administer and enforce the immigration laws. INA 103(a)(1) and (3), 8 U.S.C. 1103(a)(1) and (3); *see also* 6 U.S.C. 202 (authorities of the Secretary), 271(a)(3) (conferring authority on USCIS Director to establish “policies for performing [immigration adjudication] functions”).

Under the INA, DHS and the Department of Justice (“DOJ”) each have authority over credible fear screenings. USCIS AOs are charged with conducting initial credible fear screenings, INA 235(b)(1)(B), 8 U.S.C. 1225(b)(1)(B). The INA also provides the Secretary and Attorney General authority to publish regulatory amendments governing their respective roles regarding inspection and admission, detention and removal, withholding of removal, and deferral of removal. *See* INA 235, 236, 241, 8 U.S.C. 1225, 1226, 1231.

The United States is a party to the 1967 Protocol Relating to the Status of Refugees, January 31, 1967, 19 552 U.S.T. 6223, 606 U.N.T.S. 268 (“Refugee Protocol”), which incorporates Articles 2 through 34 of the 1951 Convention Relating to the Status

of Refugees, July 28, 1951, 19 U.S.T. 6259, 189 U.N.T.S. 150 (“Refugee Convention”). Article 33 of the Refugee Convention generally prohibits parties to the Convention from expelling or returning (“refouler”) “a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

Congress implemented U.S. non-refoulement obligations under the 1967 Protocol in the Refugee Act of 1980, creating the precursor to what is now known as statutory withholding of removal. The Supreme Court has long recognized that the United States implements its nonrefoulement obligations under Article 33 of the Refugee Convention (via the Refugee Protocol) through the statutory withholding of removal provision in section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3), which provides that a noncitizen may not be removed to a country where their life or freedom would be threatened because of one of the protected grounds listed in Article 33 of the Refugee Convention. *See* INA 241(b)(3), 8 U.S.C. 1231(b)(3); 8 CFR 208.16, 1208.16; *see also* *INS v. Cardoza-Fonseca*, 480 U.S. 421, 429–30 (1987) (discussing the statutory precursor to INA 241(b)(3), INA 243(h)); *INS v. Stevic*, 467 U.S. 407 (1984) (same). The INA also authorizes the Secretary and the Attorney General to implement statutory withholding of removal under section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3). *See* INA 103(a)(1) and (3), (g)(1) and (2); 8 U.S.C. 1103(a)(1) and (3), (g)(1) and (2).

The Departments also have authority to implement U.S. obligations under Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100–20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994) (“CAT”). The Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”) provides the Secretary with the authority to “prescribe regulations to implement the obligations of the United States under Article 3 of the [CAT], subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.” Public Law 105–277, div. G, sec. 2242(b), 112 Stat. 2681, 2681–822 (8 U.S.C. 1231 note). DHS and DOJ have implemented the United States’ obligations under Article 3 of the CAT in their respective immigration regulations, consistent with FARRA.

See, e.g., 8 CFR 208.16(c) through 208.18, 1208.16(c) through 1208.18; Regulations Concerning the Convention Against Torture, 64 FR 8478 (Feb. 19, 1999), as corrected by 64 FR 13881 (Mar. 23, 1999).

B. The Asylum and Expedited Removal Process

1. Asylum and Related Protection

Asylum is a discretionary benefit that can be granted by the Attorney General or the Secretary if a noncitizen establishes, among other things, that they have experienced past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. INA 208(b)(1), 8 U.S.C. 1158(b)(1) (providing that the Attorney General and Secretary “may” grant asylum to refugees); INA 101(a)(42)(A), 8 U.S.C. 1101(a)(42)(A) (defining “refugee”). Noncitizens who are ineligible for a grant of asylum, or who are denied asylum based on the Attorney General’s or the Secretary’s discretion, nonetheless may qualify for other forms of protection. Specifically, an applicant may also be eligible for statutory withholding of removal under section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3); *see* 8 CFR 1208.3(b), 1208.13(c)(1), or withholding or deferral of removal under the regulations implementing U.S. obligations under Article 3 of the CAT, 8 CFR 1208.3(b), 1208.13(c)(1); *see also id.* §§ 1208.16(c), 1208.17.

Withholding and deferral of removal bar a noncitizen’s removal to any country where the noncitizen would be “more likely than not” to face persecution or torture, meaning that the noncitizen would face a clear probability that their life or freedom would be threatened on account of a protected ground or a clear probability of torture. 8 CFR 1208.16(b)(2), (c)(2). Thus, if a noncitizen establishes that it is more likely than not that the noncitizen’s life or freedom would be threatened on account of a protected ground, but is denied asylum for some other reason—for instance, because of a statutory exception, an eligibility bar adopted by regulation, or a discretionary denial of asylum—the noncitizen nonetheless may be entitled to statutory withholding of removal if not otherwise barred from that form of protection. INA 241(b)(3)(A), (B), 8 U.S.C. 1231(b)(3)(A), (B); 8 CFR 208.16, 1208.16. Likewise, a noncitizen who establishes that they more likely than not will face torture in the country of removal will qualify for CAT protection. *See* 8 CFR 208.16(c), 208.17(a), 1208.16(c), 1208.17(a).

The INA provides mandatory bars to applying for asylum at section 208(a)(2) of the INA, 8 U.S.C. 1158(a)(2), to asylum eligibility at section 208(b)(2)(A) of the INA, 8 U.S.C. 1158(b)(2)(A), and to eligibility for withholding of removal at section 241(b)(3)(B) of the INA, 8 U.S.C. 1231(b)(3)(B) (referred to collectively as “mandatory bars”). There are no bars to deferral of removal under the regulations implementing U.S. obligations under Article 3 of the CAT. Several of these mandatory bars seek to protect the public from individuals who are terrorists, have persecuted others, been convicted of significant crimes, or represent a danger to the public.

Specifically, the following statutory bars to asylum eligibility are codified at section 208(b)(2)(A)(i) through (v) of the INA, 8 U.S.C. 1158(b)(2)(A)(i) through (v), and to eligibility for withholding of removal at section 241(b)(3)(B) of the INA, 8 U.S.C. 1231(b)(3)(B): (1) those who “ordered, incited, assisted, or otherwise participated in the persecution of any person” “on account of” or “because of” a protected ground, INA 208(b)(2)(A)(i), 241(b)(3)(B)(i), 8 U.S.C. 1158(b)(2)(A)(i), 1231(b)(2)(B)(i); (2) those convicted of a “particularly serious crime,” INA 208(b)(2)(A)(ii), 241(b)(3)(B)(ii), 8 U.S.C. 1158(b)(2)(A)(ii), 1231(b)(2)(B)(ii); (3) where “there are serious reasons to believe that the alien committed a serious nonpolitical crime outside the United States,” INA 208(b)(2)(A)(iii), 241(b)(3)(B)(iii), 8 U.S.C. 1158(b)(2)(A)(iii), 1231(b)(2)(B)(iii); (4) where “there are reasonable grounds to believe that the alien is a danger to the security of the United States,” INA 208(b)(2)(A)(iv), 241(b)(3)(B)(iv), 8 U.S.C. 1158(b)(2)(A)(iv), 1231(b)(2)(B)(iv); and (5) those described in certain terrorism-related provisions, INA 208(b)(2)(A)(v), 241(b)(3)(B), 8 U.S.C. 1158(b)(2)(A)(v), 1231(b)(2)(B).

A sixth statutory bar to eligibility for asylum, which does not bar eligibility for statutory withholding of removal, applies to any noncitizen who “was firmly resettled in another country prior to arriving in the United States.” INA 208(b)(2)(A)(vi), 8 U.S.C. 1158(b)(2)(A)(vi). And, additionally, there are statutory bars to withholding of removal eligibility for admitted noncitizens who are deportable under INA 237(a)(4)(D), 8 U.S.C. 1227(a)(4)(D), for involvement in genocide, torture, extrajudicial killing, or Nazi persecution as defined in INA 212(a)(3)(E)(i)–(iii), 8 U.S.C. 1182(a)(3)(E)(i)–(iii). *See* INA 241(b)(3)(B), 8 U.S.C. 1231(b)(3)(B).

2. Expedited Removal and the Credible Fear Screening Process

In the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, div. C, 110 Stat. 3009, 3009–546, Congress established the expedited removal process. The process is applicable to noncitizens arriving in the United States (and, in the discretion of the Secretary, certain other designated classes of noncitizens) who are found to be inadmissible under either section 212(a)(6)(C) of the INA, 8 U.S.C. 1182(a)(6)(C), regarding material misrepresentations, or section 212(a)(7) of the INA, 8 U.S.C. 1182(a)(7), regarding documentation requirements for admission. INA 235(b)(1)(A)(i), 8 U.S.C. 1225(b)(1)(A)(i). Under expedited removal, such noncitizens may be “removed from the United States without further hearing or review unless the [noncitizen] indicates either an intention to apply for asylum under section 1158 of this title or a fear of persecution.”¹ *Id.*

The former Immigration and Naturalization Service, and later DHS, implemented a screening process, known as the “credible fear” screening, to identify potentially valid claims for asylum, statutory withholding of removal, and CAT protection. Any noncitizen who indicates a fear of persecution or torture, a fear of return, or an intention to apply for asylum during the course of the expedited removal process is referred to a USCIS AO for an interview to determine whether the noncitizen has a credible fear of persecution or torture in the country of return. INA 235(b)(1)(A)(ii), (B), 8 U.S.C. 1225(b)(1)(A)(ii), (B); *see also* 8 CFR 235.3(b)(4), 235.3(b)(4)(i). If the AO determines that the noncitizen does not have a credible fear of persecution or torture, the noncitizen may request that an immigration judge review that determination. *See* INA 235(b)(1)(B)(iii)(III), 8 U.S.C. 1225(b)(1)(B)(iii)(III); 8 CFR 208.30(g), 1208.30(g).

Generally, if the AO determines that a noncitizen subject to expedited removal has a credible fear of persecution or torture, DHS may either retain jurisdiction over the noncitizen’s application for asylum pursuant to 8 CFR 208.2(a)(1)(ii) for further consideration in an asylum merits interview (“AMI”) under 8 CFR 208.9, or refer the noncitizen to an immigration court for adjudication of the noncitizen’s claims by initiating

removal proceedings under section 240 of the INA, 8 U.S.C. 1229a (“section 240 removal proceedings”), through service of a notice to appear on the noncitizen and filed with EOIR. 8 CFR 208.30(f). On the other hand, if an asylum officer finds that a noncitizen does not have a credible fear, the asylum officer’s determination is subject to further review by an immigration judge, as set forth in the governing regulations. *See* 8 CFR 208.30(g), 208.33(b)(2)(v); 1208.30(g)(2), 1208.33(b). Generally, if an immigration judge, upon review of the AO’s negative credible fear determination, finds that the noncitizen possesses a credible fear of persecution or torture, the immigration judge vacates the expedited removal order and refers the case back to DHS for either an AMI or the initiation of section 240 removal proceedings. *See id.* 1208.30(g)(2)(iv)(B).

“The term ‘credible fear of persecution’ means that there is a significant possibility, taking into account the credibility of the statements made by the alien in support of the alien’s claim and such other facts as are known to the officer, that the alien could establish eligibility for asylum.” INA 235(b)(1)(B)(v), 8 U.S.C. 1225(b)(1)(B)(v). Pursuant to the regulations at 208.30(e)(2), credible fear of persecution in this process also encompasses whether there is a significant possibility, taking into account the credibility of the statements made by the noncitizen in support of the noncitizen’s claim and such other facts as are known to the officer, that the noncitizen can establish eligibility for withholding of removal under section 241(b)(3) of the Act. 8 CFR 208.30(e)(2).² In addition, under 8 CFR 208.30(e)(3), a credible fear of torture in this process means a significant possibility that the noncitizen is eligible for withholding of removal or deferral of removal under CAT. 8 CFR 208.30(e)(3). As noted below, other regulations provide a different screening standard to be used in certain contexts with respect to statutory withholding of removal and CAT protection. *See, e.g.,* 8 CFR 208.31, 208.33.

C. Reasonable Fear Screening Process

The INA also provides for additional streamlined removal proceedings beyond expedited removal proceedings. First, DHS may reinstate a prior removal order for any noncitizen who “has

reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal.” INA 241(a)(5), 8 U.S.C. 1231(a)(5); *see* 8 CFR 241.8. Second, DHS may issue an administrative removal order for certain noncitizens who are not lawful permanent residents and are deportable under INA 237(a)(2)(A)(iii), 8 U.S.C. 1227(a)(2)(A)(iii), for having been convicted of an aggravated felony. INA 238(b), 8 U.S.C. 1228(b); *see* 8 CFR 238.1.

Although both streamlined proceedings preclude noncitizens from seeking discretionary relief from removal, including asylum, *see* INA 238(b)(5), 241(a)(5), 8 U.S.C. 1228(b)(5), 1231(a)(5), DHS may not remove a noncitizen to a country where they are more likely than not to be persecuted or tortured. *See* INA 241(b)(3)(A), 8 U.S.C. 1231(b)(3)(A); 8 CFR 208.16(b)–(c), 208.31. Accordingly, if a noncitizen ordered removed under either section 241(a)(5) or 238(b) of the Act, 8 U.S.C. 1231(a)(5) or 1228(b), indicates a fear of return to the country to which he or she has been ordered removed, DHS refers the case to an AO for a determination of whether the individual has a reasonable fear of persecution or torture. 8 CFR 208.31.

The AO will find that a noncitizen who “establishes a reasonable possibility that he or she would be persecuted on account of his or her race, religion, nationality, membership in a particular social group or political opinion, or a reasonable possibility that he or she would be tortured in the country of removal” has a reasonable fear of persecution or torture. 8 CFR 208.31(c). As with credible fear interviews, the regulations currently direct that the AO does not consider the statutory bars to withholding of removal as part of the reasonable fear determination. *Id.* If the AO determines that the noncitizen does not have a reasonable fear of persecution or torture, the noncitizen may request that an immigration judge review that determination. 8 CFR 208.31(g); 8 CFR 1208.31(e). If the AO finds a reasonable fear, the AO refers the noncitizen to proceedings before an immigration judge where the noncitizen may only seek withholding of removal under the Act or withholding of removal and deferral of removal under the Convention Against Torture. 8 CFR 208.31(e); *see Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2282–83 (2021) (describing “withholding only” proceedings).

¹ Unaccompanied children are not subject to expedited removal. *See* 8 U.S.C. 1232(a)(5)(D); *see also* 6 U.S.C. 279(g)(2) (defining “unaccompanied [child]”).

² The statute requires the “significant possibility” standard to be used to screen for asylum eligibility, INA 235(b)(1)(B)(v), 8 U.S.C. 1225(b)(1)(B)(v), and the statute does not refer to statutory withholding and CAT protection. Instead, a screening standard for statutory withholding and CAT protection is set forth in regulation.

D. Past Regulatory Actions on This Topic

Historically, AOs have not considered the applicability of mandatory bars to asylum or statutory withholding of removal when determining whether a noncitizen could establish eligibility for asylum or other forms of protection during the initial screening interview. The former INS issued a rule in 2000 precluding—without explanation—consideration of the asylum bars at the credible fear stage. *See, e.g., Asylum Procedures*, 65 FR 76121, 76129 (Dec. 6, 2000) (codifying the statement in 8 CFR 208.30 that a noncitizen who appears to be subject to one or more of the mandatory bars would nevertheless be referred to section 240 removal proceedings for full consideration of their claim and explaining that this change was done in response to comments suggesting such a referral “regardless of any apparent statutory ineligibility under section 208(a)(2) or 208(b)(2)(A) of the Act”).

In 2020, DHS, jointly with the Department of Justice (“DOJ”) (collectively, “DHS and DOJ” or “the Departments”), amended the regulations to instruct adjudicators to apply the mandatory bars during credible fear interviews for the first time. *Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review*, 85 FR 80274, 80391, 80393, 80399 (Dec. 11, 2020) (“Global Asylum Rule”); *see also Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review*, 85 FR 36264, 36272 (June 15, 2020) (“Global Asylum NPRM”). The Departments explained that applying the mandatory bars at the credible fear screening stage would eliminate removal delays inherent in section 240 proceedings that serve no purpose and eliminate wasted adjudicatory resources. 85 FR at 80295–96. On January 8, 2021, before the rule became effective, the U.S. District Court for the Northern District of California preliminarily enjoined the Departments from implementing the Global Asylum Rule. *Pangea Legal Servs. v. DHS*, 512 F. Supp. 3d 966, 977 (N.D. Cal. 2021).³

³ In *Pangea Legal Servs.*, the U.S. District Court for the Northern District of California preliminarily enjoined the Departments from implementing the Global Asylum Rule in its entirety nationwide before it became effective. 512 F. Supp. 3d at 977. The court concluded that the plaintiffs were likely to succeed on the merits of their claim that the Global Asylum Rule “was done without authority of law” because the DHS official who approved it, then-Acting Secretary Chad Wolf, was not properly designated as Acting Secretary. *Id.* at 975. The court did not address any challenges to the rule’s substance.

On December 23, 2020, DHS and DOJ jointly published a final rule (“Security Bars” or “Asylum Eligibility and Public Health” rule) to clarify that the Departments may consider emergency public health concerns based on communicable disease (not limited to COVID–19) when determining whether an alien is subject to the existing statutory bars to asylum and withholding of removal at INA 208(b)(2)(A)(iv) and 241(b)(3)(B)(iv), 8 U.S.C. 1158(b)(2)(A)(iv) and 1231(b)(3)(B)(iv), for noncitizens for whom “there are reasonable grounds to believe” that they are “a danger to the security of the United States” (commonly known as the “security bar”).⁴ The rule was scheduled to take effect on January 22, 2021, but its effective date has been delayed multiple times, now until December 31, 2024.⁵

The Security Bars rule would have made a noncitizen ineligible for asylum if, among other things, the noncitizen was physically present in a country in which a communicable disease was prevalent or epidemic, and the Secretary of Homeland Security and the Attorney General determined that the physical presence in the United States of noncitizens coming from that country would cause a danger to the public health.⁶ In the credible fear context, the rule would have applied the security bar to asylum and withholding of removal to credible fear screenings such that if the bar applied, the noncitizen would receive a negative credible fear determination with respect to asylum and withholding of removal and then be screened only for deferral of removal according to whether there is a clear probability (more likely than not standard) the noncitizen would experience torture in the country of removal. The portion of the final Security Bars rule that would have applied the security bar to credible fear screenings, however, was rooted in the provision of the Global Asylum Rule that never went into effect due to being enjoined prior to its effective date as noted above.

In 2022, DHS and DOJ again amended the credible fear regulations to instruct AOs to not consider the applicability of mandatory bars during credible fear

screenings, *see* 8 CFR 208.30(e)(5), and to remove from 8 CFR 1003.42 and 1208.30 the language implemented by the Global Asylum Rule instructing immigration judges to consider the mandatory bars during credible fear reviews. *See Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers*, 87 FR 18078, 18219, 18221–22 (Mar. 29, 2022) (“Asylum Processing IFR”). The Departments explained that “[r]equiring asylum officers to broadly apply the mandatory bars at credible fear screening would increase credible fear interview and decision times because asylum officers would be expected to devote time to eliciting testimony, conducting analysis, and making decisions about all applicable bars,” and it would require a “fact-intensive inquiry requiring complex legal analysis that would be more appropriate in a full adjudication before an asylum officer or in section 240 proceedings with the availability of judicial review than in credible fear screenings.” *Asylum Processing IFR*, 87 FR at 18093. The Departments further stated that “due process and fairness considerations counsel against applying mandatory bars during the credible fear screening process.” *Id.* at 18134. In sum, the Departments explained that not applying mandatory bars at the credible fear screening stage both preserves the efficiency Congress intended in making credible fear screening part of the expedited removal process and helps ensure a fair process for those individuals found to have a significant possibility of establishing eligibility for asylum or statutory withholding of removal but for the potential applicability of a mandatory bar. *Id.*⁷

In May 2023, the Departments published a rule, which implemented a new condition on eligibility for asylum to be applied at the credible fear stage, but did not alter the general rule regarding the application of mandatory statutory bars at the credible fear stage. *Circumvention of Lawful Pathways*, 88 FR 31314 (May 16, 2023) (“Circumvention of Lawful Pathways rule” or “CLP rule”); *see* 8 CFR 208.33, 1208.33; *see also Circumvention of Lawful Pathways*, 88 FR 11704 (Feb. 23, 2023) (“Lawful Pathways NPRM”).

⁷ A full discussion of the Departments’ reasoning to return to the regulatory framework in place prior to the Global Asylum Rule and no longer apply the mandatory bars in credible fear interview is found in the *Asylum Processing IFR*. *See* 87 FR at 18092–94, 18134–36.

⁴ *Security Bars and Processing*, 85 FR 84160 (Dec. 23, 2020).

⁵ *Id.*; *Security Bars and Processing; Delay of Effective Date*, 87 FR 79989 (Dec. 28, 2022); *see also Security Bars and Processing; Delay of Effective Date*, 86 FR 73615 (Dec. 28, 2021); *Security Bars and Processing; Delay of Effective Date*, 86 FR 15069 (Mar. 22, 2021); *Security Bars and Processing; Delay of Effective Date*, 86 FR 6847 (Jan. 25, 2021).

⁶ *See Security Bars and Processing*, 85 FR 84160, 84190 (Dec. 23, 2020).

III. Need for This Proposed Rule

This proposed rule is intended to provide DHS additional operational flexibility in screening determinations by giving AOs discretion, at the earliest stage possible, to consider whether a given noncitizen is unlikely to be able to establish eligibility for asylum or statutory withholding of removal because of a mandatory bar that relates to participation in persecution, or national security, criminal, or other public safety concern,⁸ and, in relevant cases, to issue a negative fear of persecution determination based on the application of such a bar. As the purpose of the screening process is to identify individuals who are ineligible for relief at the earliest stage possible in order to create systematic efficiencies while simultaneously protecting legal rights, ignoring statutory bars to such relief with serious implications, including terrorism and significant criminality, during this process runs counter to the policy goals. This discretionary flexibility would be available in credible fear determinations, including both determinations of noncitizens subject to the circumvention of lawful pathways rebuttable presumption of asylum ineligibility and noncitizens not so subject, or during reasonable fear determinations where the noncitizen is subject to reinstatement of a prior order of removal or a final administrative removal order. The rule is consistent with the Administration's demonstrated record of providing operators maximum flexibility and tools to apply consequences, including by more expeditiously removing those without a lawful basis to remain in the United States, while providing immigration relief or protection to those who merit it at the earliest point possible. This rule will allow DHS to quickly screen out certain non-meritorious protection claims and to swiftly remove those noncitizens who present a national security or public safety concern.⁹

⁸ This rule will not change current treatment of the "firm resettlement" bar at INA 208(b)(2)(A)(iv), 8 U.S.C. 1158(b)(2)(A)(iv). For further explanation of the Department's reasoning, see Section IV.A. below.

⁹ The expedited removal statute requires AOs to determine whether the noncitizen "could establish eligibility for asylum under [INA 208]." INA 235(b)(1)(B)(v), 8 U.S.C. 1225(b)(1)(B)(v) (defining "credible fear of persecution"). Accordingly, the statute permits consideration of the mandatory asylum bars, which constitute an element of asylum eligibility under section 208 of the Act. The statute is silent with respect to the nature of screening for potential statutory and CAT-based withholding of removal eligibility and thus affords DHS discretion in how best to implement withholding of removal obligations in the expedited removal, administrative removal, and reinstatement contexts.

By allowing AOs to promptly issue negative fear determinations in cases in which there is easily verifiable evidence the noncitizen could be subject to a bar and where the noncitizen is unable to establish, at the relevant standard, that the bar would not apply, and the noncitizen is not otherwise able to establish a credible or reasonable fear of torture, the Department will shorten the overall time between encounter and finality of a removal order and removal from the United States. For those noncitizens in whose cases a negative determination is made due to applicability of a bar, the regulation would prevent them from entering a potentially years-long immigration court process and would conserve those DHS and EOIR resources that would have been required to complete such process to focus on meritorious cases.¹⁰

The population to which this rule will apply is likely to be relatively small, as informed by the number of cases with bars that are flagged by USCIS during screenings. Given the gravity of the offenses that trigger these bars, however, it is nevertheless important that individuals who meet the criteria be identified and removed as quickly as possible. The type of credible or reasonable fear determination where this rule could be outcome determinative is limited to cases that would have otherwise been found to have a positive credible or reasonable fear of persecution, since those are cases that could be given a negative determination due to a mandatory bar under this proposed rule. For FY 2024 through April 23, 2024, USCIS records indicated that out of a total 29,751 positive credible fear of persecution

See *Am. Immigration Lawyers Ass'n v. Reno*, 18 F. Supp. 2d 38, 56 (D.D.C. 1998) (observing that because the INA is "silent" with respect to certain expedited removal procedures, "the Court must defer to the [agency]'s determination as to what procedures are appropriate, so long as that determination is reasonable" and that the court "cannot impose upon the [agency] any obligation to afford more procedures than the governing statute explicitly requires or that [it] has chosen to afford in [its] discretion" (citing *Vt. Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 524–25 (1978)), *aff'd*, 199 F.3d 1352 (D.C. Cir. 2000); cf. *Las Americas Immigrant Advocacy Ctr. v. Wolf*, 507 F. Supp. 3d 1, 32 (D.D.C. 2020) (Jackson, J.) (underscoring "Congress's clear intent to afford noncitizens who are subject to expedited removal fewer procedural rights in order to facilitate the expeditious processing of their asylum claims").

¹⁰ As described above in section II.B.2 of this preamble, if the AO determines that the noncitizen does not have a credible fear of persecution or torture, the noncitizen may request that an immigration judge review that determination. See INA 235(b)(1)(B)(iii)(III), 8 U.S.C. 1225(b)(1)(B)(iii)(III); 8 CFR 208.30(g), 1208.30(g). This rulemaking does not affect a noncitizen's ability to request immigration judge review of an adverse credible fear determination.

determinations, AOs flagged a potential bar (without counting firm resettlement) in 733 cases (or 2.5% of total cases with a positive credible fear of persecution determination).¹¹ For FY 2023, USCIS records indicated that out of a total 50,117 positive credible fear of persecution determinations, AOs flagged a potential bar (without counting firm resettlement) in 1,497 cases (or 3% of total cases with a positive credible fear of persecution determination).¹² In FY 2022, AOs flagged a potential bar (without counting firm resettlement) in 626 out of 24,282 positive credible fear of persecution determinations (or 2.6% of total cases with a positive credible fear of persecution determination).¹³ In FY 2021, 479 cases were flagged as having a potential mandatory bar (without counting firm resettlement) out of 24,512 positive credible fear determinations (2%), and in FY 2020, 346 cases out of a total 8,887 positive credible fear determinations (4%) had a mandatory bar (without counting firm resettlement) flagged.¹⁴

For reasonable fear cases, the percentage of positive reasonable fear of persecution determinations where AOs flagged a potential bar to statutory withholding of removal is significantly higher than the percentage of positive credible fear of persecution determinations where a bar was flagged. For FY 2024 through April 23, 2024, AOs flagged a potential bar to withholding of removal in 143 cases out of 1,430 positive reasonable fear of persecution determinations (or 10% of cases where a positive reasonable fear of persecution was found).¹⁵ For FY 2023, AOs flagged a potential bar to withholding of removal in 309 cases out of 1,534 positive reasonable fear of persecution determinations (or 20% of cases where a positive reasonable fear of persecution was found).¹⁶ In FY 2022, AOs flagged a potential bar in 236 out of 1,127 positive reasonable fear of persecution determinations (or 21% of total cases with a positive reasonable fear of persecution determination).¹⁷ In

¹¹ Asylum Global Case Management System (data as of Apr. 25, 2024). USCIS does not currently apply bars in credible or reasonable fear screenings but notes the possible applicability of the bar, and thereby notifies OPLA, if the case is referred to EOIR for adjudication.

¹² Asylum Global Case Management System (data as of Feb. 10, 2024).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Asylum Global Case Management System (data as of Apr. 25, 2024).

¹⁶ Asylum Global Case Management System (data as of Feb. 10, 2024).

¹⁷ *Id.*

FY 2021, 80 cases were flagged as having a potential mandatory bar out of 541 positive reasonable fear determinations (15%), and in FY 2020, 56 cases out of a total 394 positive reasonable fear determinations (14%) had a mandatory bar flagged.¹⁸

Credible or reasonable fear cases that received a positive fear of torture determination would not be impacted by this proposed regulation, since the screening for torture encompasses screening for deferral of removal under CAT, for which there are no bars; likewise, negative credible or reasonable fear determinations based solely on a noncitizen failing to show a likelihood of persecution and torture would not be affected by this rule, since the assessment of a mandatory bar in those cases would not be outcome determinative. For the latter two categories, AOs will continue to flag bars where they may be evident in the record, even if they are not outcome determinative in a given case.

This rule has three anticipated impacts. First, this rule expands the Department's ability to more quickly remove noncitizens who fall within the Administration's highest enforcement priorities: those who present national security or public safety threats.¹⁹ As explained further below in Section IV of this preamble, the rule would allow AOs discretion to issue negative fear findings in cases in which there are indicia of a mandatory bar, and the noncitizen is unable to establish at the relevant standard that the bar would not apply. The specific mandatory bars this rule would allow AOs to consider are those relating to public safety and/or national security threats, with the intent of allowing the Department flexibility in some cases to more quickly remove individuals who present such concerns.²⁰

Second, the rule would increase operational flexibility. For example, AOs could use their judgment to apply these bars in cases in which there is evidence available to the AO that triggers an inquiry into a bar, and the AO is confident that they can address that bar efficiently at the credible fear or reasonable fear interview. Currently, when an AO elicits information during

an interview indicating that a bar may apply—even when that information makes it clear a bar will apply during a full adjudication of the asylum or withholding claim—the AO is foreclosed from considering the application of a bar as part of the fear determination. Instead, the AO flags the potential bar, which may include preparing a memorandum to file related to the potential bar and the reasons for which it may apply.²¹ Although not determinative, ICE may consider and further develop this information when litigating before EOIR, and EOIR may consider this information along with other relevant factors in the case in the adjudication of immigration court proceedings.²² ICE ERO and EOIR may rely upon the potential bar in making custodial determinations.²³

Third, this rule may provide efficiencies for ICE Office of the Principal Legal Advisor (“OPLA”) and ICE Enforcement and Removal Operations (“ERO”) and may reduce referrals to EOIR in cases in which a negative fear determination can be made at the screening stage for an individual who would otherwise need to traverse the entire immigration court process.²⁴ As part of OPLA's extensive responsibilities, in preparation for a removal hearing, OPLA reviews whether

the noncitizen is statutorily eligible for relief or protection and if there are any statutory bars to relief or protection. Thus, for each case in which a noncitizen appears before the immigration courts, OPLA is reviewing for statutory bars. Cases involving potential bars to relief or protection such as terrorism-related inadmissibility grounds or assistance in the persecution of others, are assigned to certain designated attorneys specializing in such cases, entail special reporting requirements, and coordination with OPLA headquarters divisions. Requiring AOs to continue proceedings for a noncitizen with an otherwise positive credible or reasonable fear where the evidence would be sufficient to apply a mandatory bar at the credible or reasonable fear stage therefore introduces the possibility that OPLA resources will be unnecessarily expended in further developing the record for immigration court hearings.

Additionally, the Department is currently maximizing referrals to expedited removal, consistent with the Secretary's enforcement priorities, which include threats to border security. For instance, DHS established the Family Expedited Removal Management (FERM), which leverages alternatives to detention to process families through expedited removal, including credible fear screenings, in a non-detained setting. These efforts enhance DHS's ability, within the current statutory framework governing expedited removal, to more quickly apply consequences to those without a legal basis to remain. However, resources to administer expedited removal generally and FERM specifically are limited, and no process specifically establishes the discretionary flexibility to more quickly reach a final order of removal for the population to whom this rule would apply.

Consequently, individuals to whom mandatory bars may apply and who receive a positive credible fear determination continue to be referred to EOIR for immigration court proceedings, joining the backlog which exceeded 2,400,000 cases pending cases at the end of FY 2023, a backlog that can result, in some instances, in a lengthy process.²⁵ The current framework therefore unnecessarily extends adjudication of cases that correspond to the Secretary's enforcement priorities, while using needed EOIR and OPLA resources to adjudicate cases which could be more

²¹ USCIS, *RAIO Directorate—Officer Training: Credible Fear of Persecution and Torture Determinations* (Feb. 20, 2023).

²² See *Matter of D–R–*, 25 I. & N. Dec. 445 (BIA 2011) (in immigration proceedings, the “sole test for admission of evidence is whether the evidence is probative and its admission fundamentally fair.”); *Matter of Velasquez*, 19 I. & N. Dec. 377, 380 (BIA 1986) (same).

²³ *Matter of R–A–V–P–*, 27 I. & N. Dec. 803 (BIA 2020) (“The Immigration Judge may also consider the likelihood that relief from removal will be granted in determining whether [a noncitizen] warrants bond.”)

²⁴ OPLA serves as the DHS's representative in removal proceedings before EOIR, including cases involving national security threats, human rights violators, and criminal noncitizens. See 6 U.S.C. 252(c). Accordingly, OPLA is responsible for ensuring that the Department's interests are fully represented in cases filed by not only ICE but also USCIS and CBP. During removal proceedings, OPLA attorneys receive and review evidence, which may include examining databases of multiple agencies for criminal and immigration history and preparing evidence for review. OPLA attorneys present the Department's position, both by appearing in immigration court to make oral arguments and to examine witnesses and by submitting written briefs and are also responsible for representing the government in administrative appeals, including reviewing whether to appeal a case in the first instance, reviewing a noncitizen's arguments on appeal, preparing written appellate briefs and motions, and appearing for oral arguments. OPLA personnel dedicate dozens of hours in cases pending before the immigration courts, to ensure the Government's interests are dutifully represented. See generally U.S. Immigration and Customs Enforcement, Office of the Principal Legal Advisor, <https://www.ice.gov/about-ice/opla> (last visited Feb. 9, 2024).

¹⁸ *Id.*

¹⁹ Memorandum from Alejandro N. Mayorkas, Sec'y of Homeland Security, *Guidelines for the Enforcement of Civil Immigration Law* (Sept. 30, 2021), available at <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf> (last visited Feb. 9, 2024).

²⁰ This rule will not change current treatment of the “firm resettlement” bar at INA 208(b)(2)(A)(iv), 8 U.S.C. 1158(b)(2)(A)(iv). For further explanation of the Department's reasoning, see Section IV.A. below.

²⁵ See EOIR, *Exec. Off. For Immigration Rev.: Pending Cases, New Cases, and Total Completions* (Oct. 12, 2023), available at <https://www.justice.gov/eoir/media/1344791/dl?inline> (last visited Apr. 28, 2024).

efficiently deployed in other cases. DHS believes it is appropriate to establish additional avenues through which to deliver swift decisions and consequences for irregular migration, rather than allowing clearly ineligible individuals to further tax limited resources.

Finally, the rule may reduce or eliminate the need for detention or alternatives to detention and monitoring in some cases, freeing up ICE ERO resources for high-priority cases, including those in which detention is required. Though detention is not mandated in all such cases, ICE ERO may detain some noncitizens to whom this rule might apply during the immigration court process, following a credible or reasonable fear determination. Detention comes at cost to the taxpayer and reduces availability of beds for other high-priority populations and noncitizens subject to mandatory detention, including recent border crossers placed in expedited removal proceedings and individuals who have been administratively arrested and have criminal convictions or pose a national security or public safety threat; from February 2023 through February 2024, the median monthly EOIR processing time for a detained case ranged from 44 to 69 days.²⁶ And in cases in which ICE ERO determines detention is not necessary, ICE ERO may still expend resources to monitor the individual via the use of alternatives to detention, check-ins, and so on. This rule would potentially conserve ICE ERO resources to the extent it precludes additional or more extended detention or monitoring of individuals in cases in which an AO has determined at the fear determination stage that a mandatory bar applies.

In practice, DHS believes the rule would likely result in AOs using discretion to issue negative fear determinations in certain cases where there is evidence that a bar applies to a noncitizen, there is a lack of evidence that the noncitizen could overcome the bar (e.g., by establishing an exception or exemption), and the noncitizen is not otherwise able to establish a positive fear of torture at the applicable standard.²⁷ AOs will continue to retain

discretion to issue positive fear determinations where a noncitizen demonstrates a credible or reasonable fear at the applicable screening standard, even where there may be indicia of a mandatory bar but the available evidence at the screening stage as to the applicability of the bar is limited, or where there is additional evidence that the noncitizen would not be subject to the bar because of exception or exemption. This rule also preserves the option for noncitizens to be placed in an AMI or in proceedings before an immigration judge when a possible bar needs to be further developed for assessment, as is currently the practice; likewise, ICE will retain the ability to detain or otherwise monitor the noncitizen in those cases. See 8 CFR 208.9; INA 235(b)(1)(B)(ii), 8 U.S.C. 1225(b)(1)(B)(1)(ii). See also INA 212(d)(5), 8 U.S.C. 1182(d)(5).

Notably, this rule would not *require* AOs to consider applicability of bars as part of a fear determination.²⁸ Such a requirement would reduce operational flexibility by potentially adding hours to interviews in which there are indicia that a bar might apply, but for which a strong case cannot be immediately established.²⁹ Rather this rule would create the flexibility for the AO to exercise discretion—with supervisory review of any decision—on the applicability of bars during the screening stage. Moreover, this proposed rule would not disturb the long-standing regulation establishing that in making credible fear determinations, asylum officers “shall consider whether the [] case presents novel or unique issues that merit consideration in a full hearing before an immigration judge.” 8 CFR 208.30(e)(4).

The Department recognizes that the inclusion of mandatory bars in credible fear screenings has been a focus of many rules since 2020 that have made numerous changes in this area. As discussed above in section II.C of this preamble, the Global Asylum Rule set

This rulemaking does not affect a noncitizen's ability to request immigration judge review of an adverse credible fear determination.

²⁸ The Global Asylum Rule took a different approach than this proposal, requiring that AOs consider multiple mandatory bars. See 85 FR at 80278 (“DHS requires asylum officers to determine . . . whether an alien is subject to one or more of the mandatory bars”). This proposed rule would not require such consideration.

²⁹ Because credible fear screenings are conducted at the significant possibility standard, in cases where the application of a bar is not obvious, requiring the AO to consider application of a bar would likely result in significantly extended interviews with no meaningful outcome because relevant information might not be available to the officer at screening even with a significantly extended interview.

out to instruct adjudicators for the first time to apply the statutory mandatory bars in INA 208(b)(2)(A) and INA 241(b)(3), 8 U.S.C. 1158(b)(2)(A), 1231(b)(3), during credible fear interviews.³⁰ Subsequently, in 2022, the Departments rejected the consideration of all statutory mandatory bars during credible fear screenings and re-codified the prior practice of not doing so. Asylum Processing IFR, 87 FR at 18092–94, 18134–36; see also Asylum Processing NPRM, 86 FR at 46914–15. The Departments reasoned that applying the mandatory bars during all credible fear screening interviews would make those credible fear screenings less efficient,³¹ which could jeopardize the ability to use expedited removal,³² undermine Congress's intent that the expedited removal process be swift,³³ and undermine procedural fairness.³⁴ The Departments did not, however, conclude that applying the mandatory bars would lead to these potentially negative repercussions in all or even most cases. See 87 FR at 18093 (stating that the factual and legal inquiries required to consider the mandatory bars were “*in general and depending on the facts*, most appropriately made in the context of a full merits interview or hearing”) (emphasis added).

Subsequently, the Departments issued the Circumvention of Lawful Pathways rule, which established a rebuttable presumption of asylum ineligibility that asylum officers apply during credible fear screenings. See 8 CFR 208.33(b). In the proposed rule's preamble, the Departments distinguished the lawful pathways rebuttable presumption from the statutory mandatory bars and indicated a belief that the presumption would be easier to apply because the asylum officer would have relevant information related to the applicability of the presumption of asylum ineligibility at the outset of the credible fear interview. 88 FR at 11744–45. Despite the belief that applying the presumption would generally be easier than applying other bars, the Departments stated that any costs resulting from increasing the length of

³⁰ DHS has long applied in the expedited removal process the “safe-third-country” bar to eligibility to apply for asylum at INA 208(a)(2)(A), 8 U.S.C. 1158(a)(2)(A). See 8 CFR 208.30(e)(6). The Department is not proposing to apply other INA 208(a)(2)(A) bars, see, e.g., INA 208(a)(2)(C) (successive asylum application), in credible fear screenings at this time.

³¹ See Asylum Processing IFR, 87 FR at 18093, 18134; Lawful Pathways NPRM, 88 FR at 11744.

³² See Asylum Processing IFR, 87 FR at 18093.

³³ See Asylum Processing NPRM, 86 FR at 46914; Asylum Processing IFR, 87 FR at 18094, 18134–35.

³⁴ Asylum Processing IFR, 87 FR at 18093–94, 18097.

²⁶ Includes completed cases with a removal order, voluntary departure, relief, a termination, or a dismissal outcome. Results based on OHSS analysis of EOIR data as of April 1st, 2024. EOIR data up-to-date as of February 29, 2024.

²⁷ As described above in section II.B.2 of this preamble, if the AO determines that the noncitizen does not have a credible fear of persecution or torture, the noncitizen may request that an immigration judge review that determination. See INA 235(b)(1)(B)(iii)(III), 8 U.S.C. 1225(b)(1)(B)(iii)(III); 8 CFR 208.30(g), 1208.30(g).

some credible fear interviews were outweighed by the broader interests in ensuring orderly processing and expeditious rejection of unmeritorious claims at the outset in the emergent circumstance expected following the end of the Title 42 public health Order. *Id.*

Following implementation of the Circumvention of Lawful Pathways rule, the Department has refined its prior position on application of the mandatory bars in credible fear screenings for multiple reasons. First, the Department has determined that the permissive consideration of the mandatory bars in the manner proposed by this rule does not conflict with these prior rulemakings and is clearly distinguishable. Most notably, this rule does not propose to require the consideration of the mandatory bars in all interviews—as had been contemplated by the Global Asylum Rule. Instead, this rule would allow the AO flexibility to choose to consider a bar based on the individual facts and circumstances of an applicant's case and based on information available to the asylum officer. As noted previously, the Departments did not determine in the Asylum Processing IFR that applying all of the mandatory bars would always be more appropriate at the merits stage, but rather stated that the factual and legal inquiries were “in general and depending on the facts, most appropriately made in the context of a full merits interview or hearing.” 87 FR at 18093. Moreover, the Asylum Processing IFR did not consider one alternative to decrease the costs of applying the mandatory bars while maintaining many of the benefits—namely, conducting a factual and legal inquiry into the bars only in those cases for which doing so is likely to be an efficient and appropriate use of resources. The Department now assesses that, based on that approach, applying certain bars at the credible fear stage can be an efficient and appropriate use of resources in a larger class of cases than the Asylum Processing IFR appreciated.

Second, in contrast to the rule considered when deciding not to apply mandatory bars during credible fear screenings—the Asylum Eligibility and Procedural Modifications, 84 FR 33829 (July 16, 2019) (“Third-Country-Transit Bar IFR”)—the Department has had many uninterrupted months of experience applying the rebuttable presumption, providing a more consistent baseline of determinations for evaluation about adding consideration of other mandatory bars during screening interviews. In the Asylum Processing IFR, the Departments relied

extensively on their experience applying the Third-Country-Transit Bar IFR to explain why applying the mandatory bars during credible fear screenings was not the preferred approach. *See, e.g.*, 84 FR at 18092, 18135–36. But as recognized in the Lawful Pathways NPRM, “[b]ecause of the short and tumultuous life of the . . . [Third-Country-Transit Bar] IFR, it was difficult for the Departments to gather reliable data on the efficacy of the particular process adopted under that rule.” Lawful Pathways NPRM, 88 FR at 11746.³⁵ Due to litigation, the Third-Country-Transit Bar IFR was applied during credible fear screenings consistently only between approximately September 9, 2019, and March 26, 2020—just over six months—after an initial two months of abrupt starts and stops and patchwork orders. As noted in the Asylum Processing IFR, the Departments found applying the Third-Country-Transit Bar IFR not to be a prudent way to allocate resources and from that, reasoned that applying the mandatory bars would likely be imprudent as well. Now, however, the Circumvention of Lawful Pathways rule and complementary measures have been in constant effect since May 11, 2023, and the Departments have been able to implement it without interruption. This experience has helped the Department increase significantly their capacity to screen noncitizens encountered at the border under expedited removal and move them through the process quicker than ever before. Now that it is clear a rebuttable presumption of asylum ineligibility can be applied effectively during the credible fear process, the Department wishes to provide the AOs additional discretion to apply certain

³⁵ The IFR was preliminarily enjoined nationwide on July 24, 2019, six days after it went into effect. *East Bay Sanctuary Covenant v. Barr*, 385 F. Supp. 3d 922, 960 (N.D. Cal. 2019). The court denied a stay of that decision, thus halting the IFR. *East Bay Sanctuary Covenant v. Barr*, No. 19–CV–04073–JST, 2019 WL 11691196, at *1 (N.D. Cal. Aug. 1, 2019). After implementation of the IFR was halted nationwide for twenty-three days, on August 16, the Ninth Circuit then granted a stay of the preliminary injunction insofar as it applied outside the circuit, which meant that the IFR could be applied only outside the Ninth Circuit. *East Bay Sanctuary Covenant v. Barr*, 934 F.3d 1026, 1028 (9th Cir. 2019). Twenty-six days later, on September 9, the district court restored the nationwide scope of the injunction, again halting its application. *East Bay Sanctuary Covenant v. Barr*, 391 F. Supp. 3d 974, 976 (N.D. Cal. 2019). Two days later the Supreme Court stayed the preliminary injunction, which allowed the Departments to implement the IFR until it was vacated on June 30, 2020. *Barr v. East Bay Sanctuary Covenant*, 140 S. Ct. 3 (2019); *Cap. Area Immigrants' Rts. Coal. v. Trump*, 471 F. Supp. 3d 25, 60 (D.D.C. 2020). But even before the vacatur, the first Title 42 public health Order issued on March 26, 2020, which limited the processing of certain noncitizens under Title 8.

mandatory statutory bars that may be easily verifiable in screening interviews.

Third, the Department believes that the proposal would not be inconsistent with prior statements regarding congressional intent. In the Asylum Processing NPRM, the Departments stated that it may be inconsistent with Congress's intent for the Departments to “creat[e] a complicated screening process that requires full evidence gathering and determinations to be made on possible bars to eligibility.” 86 FR at 46914; *see also* Asylum Processing IFR, 87 FR at 18135 (“The Departments agree with these commenters that a complicated process requiring full evidence gathering and determinations to be made on possible bars to eligibility is incompatible with the function of the credible fear interview”). The proposal here would not create any such process as AOs would only consider a bar in those cases where there is easily verifiable evidence available to the AO that in their discretion warrants an inquiry into a bar, and the AO is confident that they can consider that bar efficiently at the credible fear stage. The Department does not believe Congress's intent that expedited removal proceedings be swift requires reading the statute to not allow application of mandatory bars during fear screenings at all, particularly where, as here, the Department proposes to apply those bars in a manner that would not increase the length of expedited removal proceedings except in those cases in which there is evidence indicating that they may apply.

Fourth, the Department believes AOs can apply mandatory bars during fear screenings while ensuring a fair process. As noted previously, there are cases where the applicability of a bar is clear and there is not a significant possibility that the applicant could show the bar does not apply by a preponderance of the evidence (in credible fear), or a reasonable possibility that the bar does not apply (in reasonable fear). The screening standards themselves ensure a fair process in that the noncitizen need only meet the significant possibility or reasonable possibility standard in order to pass through the screening process. In such cases, the Department believes it is reasonable to apply the mandatory bars during the screening and issue a negative determination. For example, if a noncitizen was convicted of murder and sentenced to ten or more years in prison in a country with a fair and independent judicial system—it may be clear that the noncitizen is barred from asylum and withholding of removal for a conviction for a particularly serious crime, INA 208(b)(2)(A)(ii),

241(b)(3)(B)(ii), 8 U.S.C. 1158(b)(2)(A)(ii), 1231(b)(2)(B)(ii), or because there are serious reasons to believe that the noncitizen committed a serious nonpolitical crime outside the United States, INA 208(b)(2)(A)(iii), 241(b)(3)(B)(iii), 8 U.S.C. 1158(b)(2)(A)(iii), 8 U.S.C. 1158(b)(2)(A)(iii), 1231(b)(2)(B)(iii).

IV. Discussion of the Proposed Rule

As discussed below, this proposed rule would amend 8 CFR 208.30, 208.31, and 208.33 to allow AOs to consider the mandatory bars to asylum under section 208(b)(2)(A)(i)–(v) of the Act, 8 U.S.C. 1158(b)(2)(A)(i)–(v), and to withholding of removal under section 241(b)(3)(B) of the Act, 8 U.S.C. 1231(b)(3)(B), during credible fear interviews and reasonable fear interviews.³⁶ This would include both credible fear interviews where the asylum officer has found that the noncitizen is subject to the lawful pathways rebuttable presumption of ineligibility for asylum (§ 208.33) and those where the lawful pathways rebuttable presumption either does not apply or the noncitizen successfully overcame the presumption at the credible fear interview by showing a significant possibility of being eligible for an exception or rebutting the presumption (§ 208.30).³⁷

A. Consideration of Mandatory Bars During Credible Fear and Reasonable Fear Screenings

Consistent with section 235(b)(1)(B) of the INA, 8 U.S.C. 1225(b)(1)(B), DHS is proposing to allow for the consideration of certain mandatory bars to asylum in the determination as to whether a noncitizen has a credible fear of persecution with respect to asylum. Additionally, DHS is proposing to allow for the consideration of the mandatory bars to withholding of removal under section 241(b)(3) of the Act in the determination as to whether a noncitizen has a credible or reasonable

fear of persecution with respect to statutory withholding of removal.

Specifically, this NPRM would allow AOs to consider the mandatory bars to asylum found at section 208(b)(2)(A)(i) through (v) of the Act but would not change current treatment of the mandatory bar to asylum found at section 208(b)(2)(A)(vi) of the Act (*i.e.*, the “firm resettlement bar”) or the bars to applying for asylum found at section 208(a)(2) of the Act.³⁸ Recent changes made to the firm resettlement provisions in 8 CFR 208.15 and 1208.15 by the Global Asylum Rule are preliminary enjoined. *See Pangea Legal Servs. v. DHS*, 512 F. Supp. 3d 966, 977 (N.D. Cal. 2021). The pre-Global Asylum rule firm resettlement regulations currently in effect, 8 CFR 208.15, 1208.15 (2020), include a burden-shifting framework that requires the Department to bear the initial “burden of presenting prima facie evidence of an offer of firm resettlement” that can be rebutted by the noncitizen. *Matter of A–G–G–*, 25 I&N Dec 486, 501 (BIA 2011). This framework differs from the analytical framework for the security-related bars that are the subject of this rulemaking, and the *Matter of A–G–G–* framework and firm resettlement definition could make it difficult for AOs to easily verify whether a noncitizen is subject to the bar. In other words, AOs would not consider the applicability of these bars when making the credible fear determination, and noncitizens would be referred to the appropriate immigration court proceeding if they establish the requisite fear, though the AO may note the possible applicability of a bar under INA 208(a)(2) or (b)(2)(A)(vi), 8 U.S.C. 1158(a)(2) or (b)(2)(A)(vi), for further review during those proceedings. DHS may address such bars through other rulemaking but is not including them in this rule’s proposed changes as they do not relate to the same serious security and other concerns as the bars to asylum eligibility at INA 208(b)(2)(A)(i)–(v).

Further, this NPRM does not propose to change how DHS considers bars to protection under the CAT, *see generally* 8 CFR 208.16(d)(2), because such bars do not apply to deferral of removal under the CAT, *see generally* 8 CFR 208.17. Moreover, while this NPRM authorizes AOs to consider certain mandatory bars to relief in credible fear determinations, including the credible fear determinations of stowaways, it is not intended to nor does it otherwise alter the special rules applicable to stowaways, such as the prohibition of

issuing a notice to appear for stowaways.³⁹

This NPRM contains permissive language that would allow, but not require, a USCIS AO to consider the mandatory bars to asylum (other than firm resettlement) and statutory withholding of removal in credible fear and reasonable fear interviews where there is evidence that such a mandatory bar could apply to the noncitizen. This permissive language provides operational flexibility to not consider a mandatory bar as part of the screening process if, for instance, an AO believes that inquiry into the bar’s applicability could unduly delay case completion without concomitant mission benefits.

This NPRM proposes changes to screenings conducted under 8 CFR 208.30 (the general rule on credible fear determinations), § 208.31 (the rule governing certain reasonable fear determinations), and § 208.33 (special procedures under the CLP rule).

With respect to credible fear screenings conducted under § 208.30, this NPRM would allow the AO to consider the applicability of the mandatory bars to asylum (other than firm resettlement) and statutory withholding of removal. In such cases, the AO would enter a negative credible fear of persecution determination if the noncitizen fails to demonstrate a significant possibility that the noncitizen would be able to prove by a preponderance of the evidence that the given bar would not apply and if the noncitizen was otherwise unable to demonstrate a credible fear of torture pursuant to 8 CFR 208.30(e)(3). This standard—whether there is a significant possibility that the noncitizen could establish eligibility—is consistent with existing standards in § 208.30 and the statutory eligibility standard. INA 235(b)(1)(B)(v), 8 U.S.C. 1225(b)(1)(B)(v).

With respect to screenings conducted under § 208.33 (*i.e.*, the CLP rule), in cases where the AO has entered a negative credible fear of persecution determination with respect to the noncitizen’s asylum claim pursuant to the CLP rule’s rebuttable presumption of asylum ineligibility, the NPRM would allow AOs to consider the applicability of the mandatory bars to statutory withholding of removal in making a follow-on reasonable possibility of persecution determination. In other words, under the proposed rule, if a noncitizen in the credible fear process is subject to the CLP presumption of asylum ineligibility and cannot

³⁶ In addition to these changes, the rule would make an unrelated non-substantive change to 8 CFR 208.31(g) and replace the last sentence of 8 CFR 208.31(g) and paragraphs (g)(1)–(2). Because those provisions describe the procedures for immigration judge review of an AO’s reasonable fear finding and are duplicative with the corresponding provision governing immigration court procedures at 8 CFR 1208.31(g), they are not needed in the DHS regulations in chapter I of title 8 of the CFR. Accordingly, this rule would replace those provisions in 8 CFR 208.31(g) with a short statement that informs the reader that the immigration judge review procedures are set forth at 8 CFR 1208.31(g).

³⁷ The Department notes that if DHS finalizes this NPRM, DOJ may wish to clarify the procedures immigration judges will follow in reviewing DHS screenings.

³⁸ *See supra*, n.31.

³⁹ *See* INA 235(a)(2), 8 U.S.C. 1225(a)(2); *see also* 8 CFR 208.30(e)(5).

demonstrate a significant possibility of being able to establish eligibility for an exception or rebutting the presumption by a preponderance of the evidence, and there is evidence that a mandatory bar to statutory withholding of removal could apply, the AO may enter a negative reasonable possibility of persecution determination if the noncitizen fails to show a reasonable possibility the bar does not apply and if the noncitizen is otherwise unable to demonstrate a reasonable possibility of torture. The standard proposed here—a reasonable possibility that the bar does not apply—is consistent with the general approach under the CLP rule, which calls for AOs to assess whether the noncitizen has established a reasonable possibility of persecution or torture with respect to the identified country or countries of removal. *See* 8 CFR 208.33(b)(2)(i).

Finally, DHS also proposes changes with respect to reasonable fear screenings conducted under 8 CFR 208.31(c). Such screenings apply to noncitizens subject to removal pursuant to the issuance of a Final Administrative Removal Order or reinstatement of a prior removal order over whom USCIS has jurisdiction pursuant to 8 CFR 208.31(b). Under this NPRM, if there is evidence that such noncitizen could be subject to a mandatory bar to statutory withholding of removal, the AO may consider the applicability of the bar in the reasonable fear of persecution determination and if doing so, the AO would find there is no reasonable fear of persecution if the noncitizen is unable to show that there is a reasonable possibility that no mandatory bar applies. This NPRM does not propose to allow for the application of the mandatory bars to withholding of removal to reasonable fear of torture determinations under 8 CFR 208.31(c). As with the option to apply the mandatory bars to asylum (other than firm resettlement) and statutory withholding of removal in a credible fear determination, the option to apply the mandatory bars to statutory withholding of removal in a reasonable fear determination may be exercised at the discretion of USCIS, and this NPRM does not propose to mandate application of the mandatory bars across the board in either credible fear or reasonable fear screenings.

B. Screening Procedures

1. Credible Fear Interviews

This NPRM would apply to noncitizens who are subject to expedited removal under section 235(b)(1) of the INA, 8 U.S.C. 1225(b)(1)

and have been referred to USCIS for a credible fear screening pursuant to section 235(b)(1)(A)(ii) of the Act.

As described above, in the credible fear process, such noncitizens are subject to removal “without further hearing or review” unless they indicate an intention to apply for asylum or fear of persecution. INA 235(b)(1)(A)(i), 8 U.S.C. 1225(b)(1)(A)(i). Noncitizens in expedited removal who indicate an intention to apply for asylum or fear of persecution are referred to an AO for an interview to determine if they have a credible fear of persecution and should accordingly remain in proceedings for further consideration of the application. INA 235(b)(1)(A)(ii), (b)(1)(B)(i)–(ii), 8 U.S.C. 1225(b)(1)(A)(ii), (b)(1)(B)(i)–(ii). In addition, AOs consider whether a noncitizen in expedited removal may be eligible for withholding of removal under section 241(b)(3) of the Act, 8 U.S.C. 1231(b)(3), or for protection under the regulations implementing U.S. *non-refoulement* obligations under the CAT. 8 CFR 208.30(e)(2)–(3).

Under the existing regulations governing credible fear determinations, when an AO makes a determination as to whether a noncitizen has a credible fear of persecution, there is first a consideration of whether the noncitizen is subject to the CLP presumption of asylum ineligibility pursuant to 8 CFR 208.33(b)(1). If subject to the CLP presumption, the AO considers whether there is a significant possibility the noncitizen would be able to show an exception to or rebut the presumption by a preponderance of the evidence. If the CLP presumption of asylum ineligibility does not apply or the noncitizen establishes an exception or rebuts, then the AO will consider whether there is a significant possibility the noncitizen could show eligibility for asylum or statutory withholding of removal if given the opportunity to do so in a full hearing, without taking any mandatory bars to asylum or withholding of removal into consideration when making that determination. Nevertheless, AOs ask noncitizens questions about the mandatory bars to asylum and withholding of removal during credible fear interviews for the benefit of the record and, as appropriate, may record information related to a bar potentially applying in an adverse memorandum to the file for immigration enforcement personnel to reference where it may be relevant for their use.

Under this NPRM, the current credible fear process would remain the same. The only aspect of the determination that would change is that the USCIS AO would have the

discretion to consider the potential application of mandatory bars to asylum (other than firm resettlement) and statutory withholding of removal when screening the noncitizen for a credible fear of persecution (in cases where the CLP does not apply or was rebutted) or to consider the potential application of the mandatory bars to statutory withholding of removal (in cases where the CLP does apply and is not rebutted). The AO would consider whether there is a significant possibility that the noncitizen would be able to show the relevant bar does not apply by a preponderance of the evidence. Accordingly, the use of the significant possibility screening standard for credible fear of persecution would remain the same as that in place without this NPRM. *See* 8 CFR 208.30(e)(2). Further, the preponderance standard is the standard that would ultimately apply in a merits determination in any case where evidence of a mandatory bar is present and the applicant bears the burden of showing by a preponderance of the evidence that the bar does not apply. *See* 8 CFR 208.13(c)(2)(ii), 208.16(d)(2), 1208.14(c)(ii), 1208.16(d)(2).

For a noncitizen in the credible fear process where the CLP applies and has not established an exception or rebutted the presumption of asylum ineligibility, the only change this NPRM would make is that it would allow the AO, when screening the noncitizen for statutory withholding of removal, to consider if there was any evidence a mandatory bar to withholding of removal could apply and, if so, exercise the discretion to screen that noncitizen for withholding of removal by taking into account the applicability of that bar(s). Consistent with existing standards, the screening standard to screen for statutory withholding of removal in such an instance where a mandatory bar could be considered as part of the screening would be if the noncitizen showed a reasonable possibility that they are not subject to a mandatory bar(s).

As noted above, the Department does not propose to allow for the consideration of the mandatory bars to withholding of removal in the screening for withholding of removal under CAT for any credible fear screening, whether the determination is occurring pursuant to 8 CFR 208.30(e)(3) or 8 CFR 208.33(b)(2)(i). Any determination that screens for protection under CAT, whether it is under 8 CFR 208.30(e)(3) or 8 CFR 208.33(b)(2)(i), involves screening for both withholding of removal under CAT pursuant to 8 CFR 208.16 and deferral of removal under CAT pursuant to 8 CFR 208.17. Because

there are no mandatory bars to deferral of removal under CAT, considering the mandatory bars to withholding of removal in any determination that screens for eligibility for protection under CAT would be a futile exercise.

2. Reasonable Fear Interviews

This NPRM would also apply to noncitizens who have been ordered removed under section 238(b) of the Act or whose deportation, exclusion, or removal order has been reinstated under section 241(a)(5) of the Act, and who are referred to USCIS for a reasonable fear screening pursuant to 8 CFR 208.31. The purpose of the reasonable fear determination is to screen the noncitizen for any potential statutory withholding of removal, or any withholding or deferral of removal under CAT claim. The standard to screen for withholding or deferral of removal under CAT is a reasonable possibility of persecution or torture, which will remain untouched in this NPRM since, as mentioned above, there are no mandatory bars to deferral of removal under CAT.

In this NPRM, the proposed screening standard under which the AO may consider a mandatory bar to statutory withholding of removal during a reasonable fear interview in a case where the noncitizen appears subject to one or more mandatory bars is whether the noncitizen fails to show that there is a reasonable possibility that no bar applies.⁴⁰ For example, a noncitizen who is subject to administrative removal under INA 238(b), 8 U.S.C. 1228(b), because they are deportable under INA 237(a)(2)(A)(iii), 8 U.S.C. 1227(a)(2)(A)(iii), for having been convicted of an “aggravated felony” as defined in INA 101(a)(43), 8 U.S.C. 1101(a)(43), may be determined not to have a reasonable fear of persecution if they were sentenced to a term of imprisonment of more than five years. *See* INA 241(b)(3)(B)(iv), 8 U.S.C. 1231(b)(3)(B)(iv). That noncitizen, however, may nonetheless be referred to an immigration judge for “withholding

only” proceedings if they establish a reasonable fear of torture.

C. Application in Relation to the Circumvention of Lawful Pathways Rule

The proposed rule may, in some instances, apply in a credible fear determination where the CLP presumption of asylum ineligibility has also been found to apply in a credible fear determination under 8 CFR 208.33(b)(2)(i). In such a credible fear determination, an AO will first determine whether the noncitizen can demonstrate a significant possibility of showing by a preponderance of the evidence that the noncitizen would not be subject to the presumption of asylum ineligibility, that an exception to the presumption would apply, or that the presumption could be rebutted under 8 CFR 208.33(b)(1). If there is no such significant possibility, the AO will enter a negative credible fear determination with respect to the noncitizen’s asylum claim pursuant to 8 CFR 208.33(b)(1)(i). The AO then screens the noncitizen for statutory withholding of removal and protection under CAT by determining whether there is a reasonable possibility the noncitizen would suffer persecution or torture in the designated country of removal, pursuant to 8 CFR 208.33(b)(2). If there is no reasonable possibility of persecution or torture, the AO will enter a negative credible fear determination under 8 CFR 208.33(b)(2)(iii).

In some cases, the evidence in the credible fear record, including the noncitizen’s testimony, may fail to show a reasonable possibility of persecution or torture in the country of removal and there will be no need to consider the mandatory bars to statutory withholding of removal for the AO to issue a legally sufficient negative credible fear determination. In other instances, however, the evidence in the record may be such that it would be more efficient to base a negative credible fear of persecution determination on a mandatory bar to statutory withholding of removal pursuant to 8 CFR 208.33 where there is evidence of a mandatory bar to withholding of removal and the noncitizen is unable to demonstrate there is a reasonable possibility that the mandatory bar does not apply.

Under the CLP rule, AOs apply the presumption of asylum ineligibility to be applied in any credible fear case where it applies. However, applying the mandatory bars to withholding of removal in a credible fear determination (regardless of whether the CLP applies) under this proposed rule would be at USCIS’s discretion. If the evidence in the credible fear record before USCIS is such that a USCIS AO would be unable

to apply the mandatory bars in the credible fear determination efficiently or effectively obtain sufficient information related to a bar in the time allotted for a credible fear interview, then USCIS may exercise its discretion not to apply the bars in a given case. In contrast, under the CLP rule, a USCIS AO is required to apply the CLP presumption of asylum ineligibility in a credible fear determination in any case where the noncitizen is subject to the presumption and required to explore in the credible fear record the applicability of the presumption, potential exceptions, and potential circumstances that could rebut the presumption. The CLP rule requires the AO to make a determination as to whether the noncitizen has demonstrated a significant possibility of being able to show by a preponderance of the evidence that the presumption of ineligibility does not apply, that there is an exception, or that it could be rebutted and, if so, continue with a credible fear determination under 8 CFR 208.30, but if not, screen the applicant for statutory withholding of removal and protection under CAT under 8 CFR 208.33(b)(2). The CLP rule requires the application of its presumption of asylum ineligibility in any credible fear screening where it applies (with exceptions and the possibility of being rebutted in certain circumstances) to achieve its stated goal of encouraging migrants to avail themselves of lawful, safe, and orderly pathways into the United States, or otherwise to seek asylum or other protection in another country through which they travel, thereby reducing reliance on human smuggling networks that exploit migrants for financial gain.

The current proposed rule may, in some instances, apply in a credible fear screening on top of the CLP rule if the evidence in the credible fear record is such that a USCIS AO could effectively and efficiently apply a mandatory bar to withholding of removal in the credible fear determination in the context of such a screening. Where it is evident that a noncitizen in the credible fear process who is subject to the CLP rule and cannot show a reasonable possibility of persecution is subject to a mandatory bar to withholding of removal that would prevent that individual from ultimately being able to receive that form of relief from an immigration judge, but the noncitizen can nonetheless potentially establish a reasonable fear of persecution, it would be ineffective, inefficient, and thwart the underlying goals of the CLP rule to still allow that individual to be placed in regular INA 240 removal proceedings.

⁴⁰ The original rule establishing the “reasonable fear” screening process at 8 CFR 208.31 and excluding consideration of the mandatory withholding bars was promulgated in 1999. *See* Regulations Concerning the Convention Against Torture, 64 FR 8478 (1999) (interim rule). The rule did not explain why the bars should not be considered. *See* 64 FR at 8485. Prior to 1999, if a noncitizen subject to reinstatement of removal under INA 241(a)(5), 8 U.S.C. 1231(a)(5), expressed a fear of returning to their country, the noncitizen would be referred to an AO for a determination “whether the [noncitizen]’s removal to that country must be withheld under section 241(b)(3) of the Act,” 8 U.S.C. 1231(b)(3), including whether any of the mandatory withholding bars applied. 8 CFR 241.8 (1998).

This proposed rule would allow USCIS to prevent that scenario from happening in cases where USCIS determines that to do so would be an effective and efficient use of USCIS resources.

D. Security Bar to Asylum and Withholding of Removal

Under the present proposed rule, USCIS may, in its discretion, consider the security bars to asylum and withholding of removal when making a credible fear or reasonable fear determination. INA 208(b)(2)(A)(iv), 241(b)(3)(B)(iv), 8 U.S.C. 1158(b)(2)(A)(iv), 1231(b)(3)(B)(iv). As discussed above in Section II.D of this preamble, DHS and DOJ jointly published the Asylum Eligibility and Public Health rule in 2020 providing that the Departments may consider emergency public health concerns based on communicable disease (not limited to COVID-19) when determining whether a noncitizen is subject to the existing statutory security bars to asylum and withholding of removal at INA 208(b)(2)(A)(iv) and 241(b)(3)(B)(iv), 8 U.S.C. 1158(b)(2)(A)(iv) and 1231(b)(3)(B)(iv).⁴¹ Should the provisions of the Asylum Eligibility and Public Health rule go into effect as currently scheduled on December 31, 2024, it would have implications as to who could constitute a security risk—as in, what is “a danger to the security of the United States.” Under the instant rule, AOs would be allowed to consider those provisions as part of applying the security bar in credible fear and reasonable fear screenings.

E. Severability

DHS intends for the provisions of this proposed rule to be severable from each other. In short, if a court holds that any provision in a final 8 CFR 208.30, 208.31, or 208.33 is invalid or unenforceable, DHS intends that the remaining provisions of a final 8 CFR 208.30, 208.31, or 208.33, as relevant, would continue in effect to the greatest extent possible. In addition, if a court holds that any such provision is invalid or unenforceable as to a particular person or circumstance, DHS intends that the provision would remain in effect as to any other person or circumstance.

Remaining provisions of a final rule could continue to function sensibly independent of any provision held invalid or unenforceable. For example, USCIS AOs may apply the mandatory bars to asylum or statutory withholding

of removal in credible fear determinations pursuant to 8 CFR 208.30(e)(5)(ii)(A) at the standard of whether the noncitizen demonstrated a significant possibility of establishing by a preponderance of the evidence that a mandatory bar would not apply, even if a court finds that the amended regulations applying mandatory bars to statutory withholding of removal in reasonable fear determinations are facially invalid. Similarly, the proposed rule could be applied in 8 CFR 208.30 credible fear determinations even if a court finds applying the rule on top of the CLP in credible fear determinations at the “reasonable possibility” standard invalid.

V. Statutory and Regulatory Requirements

A. Administrative Procedure Act

The Department is issuing this proposed rule with a 30-day comment period because it seeks to finalize the proposed rule, as appropriate, as quickly as possible to provide an additional tool to more promptly remove noncitizens who pose public safety and national security risks. DHS believes that the comment period is reasonable and appropriate because this proposed rule relates to a discrete topic that has been addressed in multiple recent notice-and-comment rulemakings, as described in section II.D of this preamble. This proposed rule is relatively short and would not dictate a widescale change in practice; instead, the rule would preserve appropriate flexibility for AOs to apply the mandatory bars as part of fear screenings when it makes sense to do so.

DHS also has an interest in swiftly finalizing this change, thereby expanding operational flexibility. DHS has taken historic measures to channel migrants into lawful pathways and processes, while imposing swift consequences, including removals, on those without a legal basis to remain in the U.S. From May 12, 2023 to March 31, 2024, DHS has removed or returned over 660,000 individuals, the vast majority of whom crossed the southwest border.⁴² Total removals and returns since mid-May 2023 exceed removals and returns in every full fiscal year since 2011.⁴³ Overall, the number of people removed, returned, or expelled over the last three years accounts for a majority of southwest border encounters

during the same time period.⁴⁴ These measures are having an impact, but DHS remains challenged by global trends of historic migration, which have led to unprecedented shifts in southwest border encounter demographics and volume. Given current encounter trends, DHS would benefit from additional tools and increased flexibility, to swiftly and predictably impose consequences on those without a legal basis to remain.

In light of the discrete nature of the change proposed, multiple recent rounds of notice-and-comment on this topic, and the need for additional operational flexibility, DHS believes that a 30-day comment period is reasonable and appropriate.

B. 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 (“Regulatory Planning and Review”), as amended by Executive Order 14094 (“Modernizing Regulatory Review”), and Executive Order 13563 (“Improving Regulation and Regulatory Review”) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Although this rule has not been designated significant under section 3(f)(1) of Executive Order 12866 by the Office of Management and Budget (“OMB”) because it does not meet the specified criteria with respect to economic impacts, the OMB has designated this rule as a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094. Accordingly, OMB has reviewed this rule.

The expected effects of this proposed rule are discussed above. The revised procedures described above would reduce the amount of time that some noncitizens who are subject to mandatory bars contained in section 208(b)(2)(A)(i)–(v) of the Act that prevent them from being granted

⁴¹ Security Bars and Processing, 85 FR 84160 (Dec. 23, 2020).

⁴² OHSS analysis of UIP data as of April 2, 2024.

⁴³ Compare OHSS, 2022 Yearbook of Immigration Statistics 89 tbl. 39 (Nov. 2023) (Noncitizen Removals, Returns, and Expulsions, Fiscal Year 1892 to 2022).

⁴⁴ See OHSS, Immigration Enforcement and Legal Processes Monthly Tables, <https://www.dhs.gov/ohss/topics/immigration/enforcement-and-legal-processes-monthly-tables> (last updated Apr. 5, 2024) (“CBP SW Border Encounters by Agency and Selected Citizenship” and “DHS Repatriations by Type”).

asylum, or the mandatory bars contained in section 241(b)(3)(B) of the Act that prevent them from being granted withholding of removal, remain in the United States.

The population to which this rule will apply is likely to be relatively small, as informed by the number of cases with bars that are flagged by USCIS during screenings. For example, in FY 2023, only 1,497 (or about 3%) of all positive credible fear decisions were flagged by the AO for a potential bar. The Department expects that AOs would choose to apply a mandatory bar to an even smaller subset of these flagged cases, because not all flagged cases have sufficient supporting evidence easily available to the AO. The benefits of the proposed rule are expected to include a modest, unquantified reduction in strains on limited national resources, specifically a reduction of the resources expended to detain noncitizens subject to the above cited mandatory bars for potentially lengthy periods of time while their cases are considered by immigration courts. Additionally, since such cases would no longer need to be heard before an immigration court, additional capacity would be available for immigration judges to decide other cases. Under the rule, noncitizens subject to the above cited bars will be quickly removed from the United States, freeing up the Departments' resources to safely, humanely, and effectively enforce and administer the immigration laws. The public safety of the United States may be enhanced as some noncitizens who have engaged in certain criminal activity, persecuted others, or have been involved in terrorist activities are quickly removed from the country. The speedy removal of these noncitizens may create disincentives for other noncitizens who would be subject to these mandatory bars when considering attempting to enter the United States.

The costs of the proposed rule would be primarily borne by noncitizens and the Department. Noncitizens to whom the above cited bars would be applied in fear screenings would lose the opportunity to contest the application of the mandatory bars in a full INA 240 merits hearing before an immigration judge, or to seek appellate review of the immigration judge's decision should the immigration judge decide to apply a mandatory bar and deny the case in such INA 240 removal proceedings. Such noncitizens would also lose the opportunity to gather additional evidence during the period of time between the fear screening and the merits immigration judge hearing to show that the mandatory bar in question

should not be applied in their case given that they will be more quickly removed under the proposed rule than they would be currently. In addition, the proposed rule would, in some cases, result in AOs spending additional time, during fear screenings, to inquire into the applicability of the above cited mandatory bars, additional time writing up the required mandatory bar analysis for the credible or reasonable fear determination, and additional time spent by SAOs to review any mandatory bar analysis conducted in such determinations, although AOs would have discretion whether to consider such bars at the screening stage and could therefore minimize the government costs associated with the proposed rule in cases where the additional development of the record and analysis would not be outcome determinative or otherwise an effective use of resources.

C. Regulatory Flexibility Act

DHS has reviewed this proposed rule in accordance with the Regulatory Flexibility Act, Public Law 96-354, 94 Stat. 1164 (1980), as amended (codified at 5 U.S.C. 601 *et seq.*) and has determined that this rule would not have a significant economic impact on a substantial number of small entities. The rule would not regulate "small entities" as that term is defined in 5 U.S.C. 601(6). Only individuals, rather than entities, are eligible to apply for asylum or are otherwise placed in immigration proceedings.

D. Unfunded Mandates Reform Act of 1995

This proposed rule would not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, adjusted for inflation, and it would not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, Public Law 104-4, 109 Stat. 48; *see also* 2 U.S.C. 1532(a).

E. Executive Order 13132 (Federalism)

This proposed rule would not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule would not have sufficient federalism implications to warrant the preparation of a federalism summary

impact statement. DHS nonetheless welcomes public comment on possible federalism implications of this proposed rule.

F. Executive Order 12988 (Civil Justice Reform)

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

G. Family Assessment

DHS has reviewed this proposed rule in line with the requirements of section 654 of the Treasury and General Government Appropriations Act, 1999,⁴⁵ enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.⁴⁶ DHS has reviewed the criteria specified in section 654(c)(1), by evaluating whether this regulatory action (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the agency determines a regulation may negatively affect family well-being, then the agency must provide an adequate rationale for its implementation. DHS has determined that this proposed rule will not negatively affect family well-being.

H. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This proposed rule does not have tribal implications under Executive Order 13175 because 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.

I. Executive Order 13045 (Protection of Children From Environmental Health Risks and Safety Risks)

Executive Order 13045 requires agencies to consider the impacts of environmental health risks or safety

⁴⁵ See 5 U.S.C. 601 note.

⁴⁶ Public Law 105-277, 112 Stat. 2681 (1998).

risks that may disproportionately affect children. DHS has reviewed this proposed rule and have determined that this rule is not a covered regulatory action under Executive Order 13045. The rule is not considered significant under Section 3(f)(1) of Executive Order 12866 and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. National Environmental Policy Act

DHS and its components analyze proposed actions to determine whether the National Environmental Policy Act of 1969, (42 U.S.C. 4321 *et seq.*) (“NEPA”), applies to these actions and, if so, what level of NEPA review is required. 42 U.S.C. 4336. DHS’s Directive 023–01, Revision 01,⁴⁷ and Instruction Manual 023–01–001–01, Revision 01 (“Instruction Manual”)⁴⁸ establish the procedures that DHS uses to comply with NEPA and the Council on Environmental Quality (“CEQ”) regulations for implementing NEPA, 40 CFR parts 1500 through 1508.

Federal agencies may establish categorical exclusions for categories of actions they determine normally do not significantly affect the quality of the human environment and, therefore, do not require the preparation of an Environmental Assessment or Environmental Impact Statement. 42 U.S.C. 4336e(1), 40 CFR 1501.4, 1507.3(e)(2)(ii), 1508.1(d). DHS has established its categorical exclusions through its Instruction Manual in Appendix A. Under DHS’s NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.⁴⁹

The proposed rule, if finalized, would allow AOs to apply certain bars to asylum and statutory withholding of removal at the fear screening stage. DHS has determined that the promulgation of

this proposed rule satisfies all three requirements for a categorical exclusion. First, the proposed rule fits clearly within categorical exclusion A3(d) of the Instruction Manual, Appendix A, for the promulgation of rules that “interpret or amend an existing regulation without changing its environmental effect.” The proposed rule would change the point in time at which certain statutory bars are considered but would not change any environmental effect of the bars. Second, this proposed rule is a standalone rule and is not part of any larger action. Third, DHS is not aware of any extraordinary circumstances that would cause a significant environmental impact. Therefore, this proposed rule is categorically excluded from further NEPA review.

K. Paperwork Reduction Act

This NPRM does not propose new, or revisions to existing, “collection[s] of information” as that term is defined under the Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320.

List of Subjects in 8 CFR Part 208

Administrative practice and procedure, Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, the Secretary of Homeland Security proposes to amend chapter I of title 8 of the Code of Federal Regulations as set forth below.

■ 1. The authority citation for part 208 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1158, 1226, 1252, 1282; Title VII of Pub. L. 110–229; 8 CFR part 2; Pub. L. 115–218.

■ 2. Amend § 208.30 by revising the first sentence of paragraph (e)(2) and paragraph (e)(5) to read as follows:

§ 208.30 Credible fear determinations involving stowaways and applicants for admission found inadmissible pursuant to section 212(a)(6)(C) or 212(a)(7) of the Act.

* * * * *

(e) * * *

(2) An alien will be found to have a credible fear of persecution if there is a significant possibility, taking into account the credibility of the statements made by the alien in support of the alien’s claim and such other facts as are known to the officer, that the alien can establish eligibility for asylum under section 208 of the Act or for withholding of removal under section 241(b)(3) of the Act, including that the alien is not subject to a mandatory bar,

if considered under paragraph (e)(5)(ii) of this section. * * *

* * * * *

(5) Except as provided in paragraph (e)(6) or (7) of this section:

(i) If an alien is able to establish a credible fear of persecution or torture but appears to be subject to one or more of the mandatory bars to applying for, or being granted, asylum contained in section 208(a)(2) and (b)(2)(A)(vi) of the Act, the Department of Homeland Security shall nonetheless issue a Notice to Appear or retain jurisdiction over the alien’s case for further consideration of the alien’s claim pursuant to paragraph (f) of this section, if the alien is not a stowaway.

(ii) If an alien, who is unable to establish a credible fear of torture, is able to establish a credible fear of persecution but appears to be subject to one or more of the mandatory bars to being granted either asylum or withholding of removal, as set forth in section 208(b)(2)(A)(i)–(v) of the Act or section 241(b)(3)(B) of the Act, respectively, the asylum officer may consider the applicability of such bar(s) as part of the asylum officer’s credible fear determination.

(A) The asylum officer shall issue a negative credible fear finding with regard to the alien’s eligibility for asylum or withholding of removal under the Act if the asylum officer determines there is not a significant possibility that the alien would be able to establish by a preponderance of the evidence that such bar(s) do not apply.

(B) The asylum officer shall issue a Notice to Appear or retain jurisdiction over the alien’s case for further consideration of the alien’s claim pursuant to paragraph (f) of this section, if the asylum officer finds that there is a significant possibility that the alien would be able to establish by a preponderance of the evidence that such bar(s) do not apply.

(iii) In all cases, if the alien is a stowaway and the Department would otherwise initiate proceedings under paragraphs (e)(5)(i) and (ii) of this section, the Department shall place the alien in proceedings for consideration of the alien’s claim pursuant to § 208.2(c)(3) and shall not retain jurisdiction over the case for further consideration nor issue a Notice to Appear.

* * * * *

■ 3. Amend § 208.31 by revising paragraphs (c) and (g) to read as follows:

⁴⁷ DHS, Implementation of the National Environmental Policy Act, Directive 023–01, Revision 01 (Oct. 31, 2014), https://www.dhs.gov/sites/default/files/publications/DHS_Directive%20023-01%20Rev%2001_508compliant%20version.pdf.

⁴⁸ DHS, Implementation of the National Environmental Policy Act (NEPA), Instruction Manual 023–01–001–01, Revision 01 (Nov. 6, 2014), https://www.dhs.gov/sites/default/files/publications/DHS_Instruction%20Manual%20023-01-001-01%20Rev%2001_508%20Admin%20Rev.pdf.

⁴⁹ Instruction Manual at V.B(2)(a) through (c).

§ 208.31 Reasonable fear of persecution or torture determinations involving aliens ordered removed under section 238(b) of the Act and aliens whose removal is reinstated under section 241(a)(5) of the Act.

* * * * *

(c) *Interview and procedure.* The asylum officer shall conduct the interview in a non-adversarial manner, separate and apart from the general public. At the time of the interview, the asylum officer shall determine that the alien has an understanding of the reasonable fear determination process. The alien may be represented by counsel or an accredited representative at the interview, at no expense to the Government, and may present evidence, if available, relevant to the possibility of persecution or torture. The alien's representative may present a statement at the end of the interview. The asylum officer, in his or her discretion, may place reasonable limits on the number of persons who may be present at the interview and the length of the statement. If the alien is unable to proceed effectively in English, and if the asylum officer is unable to proceed competently in a language chosen by the alien, the asylum officer shall arrange for the assistance of an interpreter in conducting the interview. The interpreter may not be a representative or employee of the applicant's country or nationality, or if the applicant is stateless, the applicant's country of last habitual residence. The asylum officer shall create a summary of the material facts as stated by the applicant. At the conclusion of the interview, the officer shall review the summary with the alien and provide the alien with an opportunity to correct errors therein. The asylum officer shall create a written record of his or her determination, including a summary of the material facts as stated by the applicant, any additional facts relied on by the officers, and the officer's determination of whether, in light of such facts, the alien has established a reasonable fear of persecution or torture. The alien shall be determined to have a reasonable fear of persecution if the alien establishes a reasonable possibility that he or she would be persecuted on account of his or her race, religion, nationality, membership in a particular social group or political opinion, unless the alien appears to be subject to one or more of the mandatory bars to being granted withholding of removal under the Act contained in section 241(b)(3)(B) of the Act and the alien fails to show that there is a reasonable possibility that no mandatory bar applies, if the asylum officer considers such bars. The alien

shall be determined to have a reasonable fear of persecution or torture if the alien establishes a reasonable possibility that he or she would be tortured in the country of removal.

* * * * *

(g) *Review by immigration judge.* The asylum officer's negative decision regarding reasonable fear shall be subject to review by an immigration judge upon the alien's request. If the alien requests such review, the asylum officer shall serve him or her with a Notice of Referral to Immigration Judge. The record of determination, including copies of the Notice of Referral to Immigration Judge, the asylum officer's notes, the summary of the material facts, and other materials upon which the determination was based shall be provided to the immigration judge with the negative determination. The immigration judge's review shall proceed under the procedures set forth in 8 CFR 1208.31(g).

■ 4. Amend § 208.33 by revising paragraphs (b)(2)(i) through (iii) to read as follows:

§ 208.33 Lawful pathways condition on asylum eligibility.

* * * * *

(b) * * *

(2) * * *

(i) In cases in which the asylum officer enters a negative credible fear determination under paragraph (b)(1)(i) of this section, the asylum officer will assess whether the alien has established a reasonable possibility of persecution (meaning a reasonable possibility of being persecuted because of their race, religion, nationality, membership in a particular social group, or political opinion) or torture, with respect to the identified country or countries of removal identified pursuant to section 241(b) of the Act. As part of this reasonable possibility determination, if there is evidence that the alien is subject to one or more of the mandatory bars to being granted withholding of removal under the Act contained in section 241(b)(3)(B) of the Act, the asylum officer may consider the applicability of such bar(s).

(ii) In cases described in paragraph (b)(2)(i) of this section, if the alien establishes a reasonable possibility of persecution with respect to the identified country or countries of removal and, to the extent bars are considered, that there is a reasonable possibility that no mandatory bar applies, the Department will issue a Form I-862, Notice to Appear. If the alien establishes a reasonable possibility of torture with respect to the identified

country or countries of removal, the Department will issue a Form I-862, Notice to Appear.

(iii) In cases described in paragraph (b)(2)(i) of this section, if an alien fails to establish a reasonable possibility of persecution with respect to the identified country or countries of removal or, to the extent bars are considered, fails to establish that there is a reasonable possibility that no mandatory bar applies, and fails to establish a reasonable possibility of torture with respect to the identified country or countries of removal, the asylum officer will provide the alien with a written notice of decision and inquire whether the alien wishes to have an immigration judge review the negative credible fear determinations.

* * * * *

Alejandro N. Mayorkas,
Secretary, U.S. Department of Homeland Security.

[FR Doc. 2024–10390 Filed 5–9–24; 4:15 pm]

BILLING CODE 9111–97–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1290; Project Identifier MCAI–2024–00078–T]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2023–22–13, which applies to certain Dassault Aviation Model FALCON 7X airplanes. AD 2023–22–13 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2023–22–13, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would continue to require certain actions in AD 2023–22–13 and would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The

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

DATES: The FAA must receive comments on this proposed AD by June 27, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA-2024-1290; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For material that is proposed for IBR in this NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.

- You may view this material at the FAA, 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* under Docket No. FAA-2024-1290.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206-231-3226; email: *tom.rodriguez@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-2024-1290; Project Identifier MCAI-2024-00078-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*, 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 Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206-231-3226; email: *tom.rodriguez@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 FAA issued AD 2023-22-13, Amendment 39-22597 (88 FR 82246, November 24, 2023) (AD 2023-22-13), for certain Dassault Aviation Model FALCON 7X airplanes. AD 2023-22-13 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2023-0063, dated March 20, 2023 (EASA AD 2023-0063) (which corresponds to FAA AD 2023-22-13), to correct an unsafe condition.

AD 2023-22-13 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2023-22-13 to address reduced structural integrity and reduced control of the

airplane due to the failure of system components. AD 2023-22-13 specifies that accomplishing the revision required by that AD terminates certain requirements of AD 2014-16-23, Amendment 39-17947 (79 FR 52545, September 4, 2014) (AD 2014-16-23). This proposed AD would therefore continue to allow that terminating action.

Actions Since AD 2023-22-13 Was Issued

Since the FAA issued AD 2023-22-13, EASA superseded AD 2023-0063 and issued EASA AD 2024-0033, dated January 31, 2024 (EASA AD 2024-0033) (referred to after this as the MCAI), for all Dassault Aviation Model FALCON 7X airplanes. The MCAI states that new or more restrictive airworthiness limitations have been developed.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after September 7, 2022, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

The FAA is proposing this AD to address reduced structural integrity and reduced control of the airplane due to the failure of system components. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2024-1290.

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2024-0033. This service information specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This proposed AD would also require EASA AD 2023-0063, which the Director of the Federal Register approved for incorporation by reference as of December 29, 2023 (88 FR 82246, November 24, 2023).

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

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining

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

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2023–22–13. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2024–0033 already described, as proposed for incorporation by reference. Any differences with EASA AD 2024–0033 are identified as exceptions in the regulatory text of this AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (n)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to retain the IBR of EASA AD 2023–0063 and incorporate EASA AD 2024–0033 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0033 and EASA AD 2023–0063 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0033 or EASA AD 2023–0063 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 2024–0033 or EASA AD 2023–0063. Service information required by EASA AD 2024–0033 and EASA AD 2023–0063 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2024–1290 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under “Additional AD Provisions.” This new format includes a “New Provisions for Alternative Actions, Intervals, and CDCCLs” paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action, interval, or CDCCL.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 134 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2023–22–13 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency

recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be \$7,650 (90 work-hours × \$85 per work-hour).

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:
 ■ a. Removing Airworthiness Directive (AD) 2023–22–13, Amendment 39–22597 (88 FR 82246, November 24, 2023); and
 ■ b. Adding the following new AD:

Dassault Aviation: Docket No. FAA–2024–1290; Project Identifier MCAI–2024–00078–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 27, 2024.

(b) Affected ADs

(1) This AD replaces AD 2023–22–13, Amendment 39–22597 (88 FR 82246, November 24, 2023) (AD 2023–22–13).
 (2) This AD affects AD 2014–16–23, Amendment 39–17947 (79 FR 52545, September 4, 2014) (AD 2014–16–23).

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before September 7, 2023.

Note 1 to paragraph (c): Model FALCON 7X airplanes with modification M1000 incorporated are commonly referred to as “Model FALCON 8X” airplanes as a marketing designation.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity and reduced control of the airplane due to the failure of system components.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2023–22–13, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before September 7, 2022, 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) AD 2023–0063, dated March 20, 2023 (EASA AD 2023–0063). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2023–0063, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2023–22–13, with no changes.

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2023–0063.

(2) Paragraph (3) of EASA AD 2023–0063 specifies revising “the approved AMP [aircraft maintenance program]” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after December 29, 2023 (the effective date of AD 2023–22–13).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2023–0063 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2023–0063, or within 90 days after December 29, 2023 (the effective date of AD 2023–22–13), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2023–0063.

(5) This AD does not adopt the “Remarks” section of EASA AD 2023–0063.

(i) Retained Restrictions on Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With a New Exception

This paragraph restates the requirements of paragraph (l) of AD 2023–22–13, with a new exception. Except as required by paragraph (j) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections), intervals, or CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2023–0063.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0033, dated January 31, 2024 (EASA AD 2024–0033). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2024–0033

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0033.

(2) Paragraph (3) of EASA AD 2024–0033 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing

maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0033 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2024–0033, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0033.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0033.

(l) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (e.g., inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0033.

(m) Terminating Action for Certain Requirements in AD 2014–16–23

Accomplishing the actions required by paragraphs (g) or (j) of this AD terminates the requirements of paragraph (q) of AD 2014–16–23.

(n) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the International Validation Branch, send it to the attention of the person identified in paragraph (o) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(o) Additional Information

For more information about this AD, contact Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3226; email: tom.rodriguez@faa.gov.

(p) 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 this AD specifies otherwise.

(3) The following service information was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) European Union Aviation Safety Agency (EASA) AD 2024–0033, dated January 31, 2024.

(ii) [Reserved]

(4) The following service information was approved for IBR on December 29, 2023 (88 FR 82246, November 24, 2023).

(i) European Union Aviation Safety Agency (EASA) AD 2023–0063, dated March 20, 2023.

(ii) [Reserved]

(5) For EASA ADs 2024–0033 and 2023–0063, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find these EASA ADs on the EASA website at ad.easa.europa.eu.

(6) 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.

(7) 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-locationsoremailfr.inspection@nara.gov.

Issued on April 26, 2024.

James D. Foltz,

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

[FR Doc. 2024–09511 Filed 5–10–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1294; Project Identifier MCAI–2024–00042–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2022–16–06, which applies to certain Airbus SAS Model A330–200, A330–200 Freighter, A330–300, and A330–900 series airplanes; and all Model A340–200 and A340–300 series airplanes. AD 2022–16–06 requires modifying the Trimmable Horizontal Stabilizer

Actuator (THSA) installation, implementing the electrical load sensing device (ELSD) wiring provisions, and installing and activating the ELSD. Since the FAA issued AD 2022–16–06, it has been determined that the required actions cannot be accomplished on certain airplanes, and additional instructions and corrections have been developed. This proposed AD would continue to require the actions in AD 2022–16–06 with certain revised procedures and would require additional work for certain airplanes, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 27, 2024.

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

- **Federal eRulemaking Portal:** Go to regulations.gov. Follow the instructions for submitting comments.
- **Fax:** 202–493–2251.
- **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2024–1294; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For the EASA AD identified in this NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at regulations.gov under Docket No. FAA–2024–1294.

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

FOR FURTHER INFORMATION CONTACT:

Vladimir Ulyanov, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3229; email Vladimir.Ulyanov@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–2024–1294; Project Identifier MCAI–2024–00042–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, 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 Vladimir Ulyanov, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3229; email Vladimir.Ulyanov@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

The FAA issued AD 2022–16–06, Amendment 39–22135 (87 FR 51588, August 23, 2022) (AD 2022–16–06), for certain Airbus SAS Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, and –941 airplanes; and all Model A340–211, –212, –213, –311, –312, and –313 airplanes. AD 2022–16–06 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2022–0039, dated March 8, 2022, to correct an unsafe condition.

AD 2022–16–06 requires modifying the THSA installation, implementing the ELSD wiring provisions, and installing and activating the ELSD. The FAA issued AD 2022–16–06 to address damage on the upper THSA SLP attachment, with consequent mechanical disconnection of the THSA, possibly resulting in loss of control of the airplane.

Actions Since AD 2022–16–06 Was Issued

Since the FAA issued AD 2022–16–06, EASA superseded AD 2022–0039, dated March 8, 2022 (EASA AD 2022–0039), and issued EASA AD 2024–0016, dated January 11, 2024 (EASA AD 2024–0016) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, and 0–941 airplanes; and all Airbus SAS Model A340–211, –212, –213, –311, –312, and –313 airplanes. The MCAI states that it has been determined that the actions specified in EASA AD 2022–0039 cannot be accomplished on certain affected airplanes. Airbus subsequently developed additional instructions and corrections for the procedures. In certain circumstances, there may be no indication to the flightcrew of the engagement of the upper secondary load path (SLP) of the THSA. This condition,

if not addressed, could lead to damage on the upper THSA SLP attachment, with consequent mechanical disconnection of the THSA, resulting in loss of control of the airplane.

The FAA is proposing this AD to address the unsafe condition on these products. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1294.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2022–16–06, this proposed AD would retain all of the requirements of AD 2022–16–06. Those requirements are referenced in EASA AD 2024–0016, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2024–0016 specifies procedures for installing and activating the ELSD and wiring provisions, and doing additional work that includes additional instructions and corrections for certain airplanes. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain all requirements of AD 2022–16–06. This

proposed AD would also require additional work for certain airplanes. This proposed AD would require accomplishing the actions specified in EASA AD 2024–0016 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0016 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0016 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0016 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 2024–0016. Service information required by EASA AD 2024–0016 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1294 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 120 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2022–16–06.	57 work-hours × \$85 per hour = \$4,845.	Up to \$23,000	Up to \$27,845	Up to \$3,341,400.
New proposed actions	5 work-hours × \$85 per hour = \$425.	\$43,966	\$44,391	Up to \$5,326,920.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected

individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has

included all known costs in the cost estimate.

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:

- a. Removing Airworthiness Directive (AD) 2022–16–06, Amendment 39–22135 (87 FR 51588, August 23, 2022); and

- b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2024–1294; Project Identifier MCAI–2024–00042–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 27, 2024.

(b) Affected ADs

This AD replaces AD 2022–16–06, Amendment 39–22135 (87 FR 51588, August 23, 2022) (AD 2022–16–06).

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) and (2) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2024–0016, dated January 11, 2024 (EASA AD 2024–0016).

(1) Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, and –941 airplanes.

(2) Model A340–211, –212, –213, –311, –312, and –313 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by tests that demonstrated that when the upper secondary load path (SLP) of the trimmable horizontal stabilizer actuator (THSA) is engaged, the THSA might not stall, with consequently no indication of SLP engagement, and by the recent determination that the required actions of AD 2022–16–06 cannot be accomplished on certain airplanes. The FAA is issuing this AD to prevent damage on the upper THSA SLP attachment, with consequent mechanical disconnection of the THSA, that could result in loss of control of the airplane.

(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, EASA AD 2024–0016.

(h) Exceptions to EASA AD 2024–0016

(1) Where EASA AD 2024–0016 refers to "22 March 2022 [the effective date of EASA AD 2022–0039]," this AD requires using September 27, 2022 (the effective date of AD 2022–16–06).

(2) Where EASA AD 2024–0016 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2024–0016 applies to airplanes in "Group 1," this AD requires replacing that text with "Group 1 airplanes, except as specified in paragraph (3)" of EASA AD 2024–0016.

(4) This AD does not adopt the "Remarks" section of EASA AD 2024–0016.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

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

(ii) AMOCs approved previously for AD 2022–16–06 are approved as AMOCs for the corresponding provisions of EASA AD 2024–0016 that are required by paragraph (g) of this AD.

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

(3) *Required for Compliance (RC)*: Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Vladimir Ulyanov, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3229; email Vladimir.Ulyanov@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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2024–0016, dated January 11, 2024.

(ii) [Reserved]

(3) For EASA AD 2024–0016, contact EASA, Konrad-Adenauer-Ufer 3, 50668

Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this EASA AD on the EASA website at ad.easa.europa.eu.

(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 April 26, 2024.

James D. Foltz,

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

[FR Doc. 2024–09510 Filed 5–10–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2024–0378]

RIN 1625–AA08

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

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary special local regulation in the navigable waters of San Francisco Bay for the San Francisco Sail Grand Prix, Season 4 race periods on July 11, 2024, through July 14, 2024. This special local regulation is necessary to ensure the safety of mariners transiting the area from the dangers associated with high-speed sailing activities. This proposed rulemaking would temporarily prohibit entering, transiting through, anchoring, blocking, or loitering within the event area near the Golden Gate Bridge and Alcatraz Island, unless authorized.

DATES: Comments and related material must be received by the Coast Guard on or before June 12, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0378 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the

SUPPLEMENTARY INFORMATION section for further instructions on submitting comments. This notice of proposed

rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant William K. Harris, U.S. Coast Guard Sector San Francisco, Waterways Management Division; telephone 415–399–7443, email SFWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
COTP Captain of the Port
PATCOM Patrol Commander
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On February 6, 2024, the Silverback Pacific Company notified the Coast Guard of the intention to conduct the “Sail Grand Prix, Season 4” in the San Francisco Bay. Sail Grand Prix (SailGP) is a sailing league featuring world-class sailors racing 50-foot foiling catamarans. The 2023–2024 season started June 16, 2023, and the season will conclude with the San Francisco Bay race in July 2024. In San Francisco, they propose to take advantage of the natural amphitheater that the central bay and city waterfront provide.

SailGP has applied for a Marine Event Permit to hold the race event on the waters of the San Francisco Bay. At this time, the Coast Guard has not approved the Marine Event Permit and is still evaluating the application. If the permit is approved, however, we anticipate that a special local regulation may be necessary to ensure public safety during the race. To provide adequate time for public input, we are proposing this special local regulation prior to a decision on the Marine Event Permit.

The SailGP event has previously been conducted in San Francisco Bay and each time the Coast Guard solicited input from maritime stakeholders to better understand the nature of commercial and recreational activities on the San Francisco Bay. As done in previous years panning, the Coast Guard will participate in local Harbor Safety Committee (HSC) meetings to meet with stakeholders, obtain information, and gather feedback on approaches to enact the regulations in connection with the SailGP.

These regulations are needed to keep persons and vessels away from the sailing race vessels, which exhibit

unpredictable maneuverability and have a demonstrated likelihood during the simulation of racing scenarios for capsizing. The proposed special local regulation would help prevent injuries and property damage that may be caused upon impact by these fast-moving vessels. The provisions of this temporary special local regulation would not exempt racing vessels from any federal, state, or local laws or regulations, including Nautical Rules of the Road. The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70041.

Under 33 CFR 100.35, the Coast Guard District Commander has authority to promulgate certain special local regulations deemed necessary to ensure the safety of life on the navigable waters immediately before, during, and immediately after an approved regatta. Pursuant to 33 CFR 1.05–1(i), the Commander of Coast Guard District 11 has delegated to the COTP San Francisco the responsibility of issuing such regulations.

III. Discussion of Proposed Rule

The COTP San Francisco proposes to establish a special local regulation associated with the SailGP race event from noon to 5:30 p.m. each day from July 11, 2024, through July 14, 2024. The areas regulated by this special local regulation would be east of the Golden Gate Bridge, south of Alcatraz Island, west of Treasure Island, and in the vicinity of the city of San Francisco waterfront. The Coast Guard proposes establishing an Official Practice Box Area, an Official Race Box Area, and a Spectator Area. An image of these proposed regulated areas may be found in the docket. The special local regulation will cover all navigable waters of the San Francisco Bay, from surface to bottom, within the area formed by connecting the following latitude and longitude points in the following order: 37°48′24.3″ N, 122°27′53.5″ W; thence to 37°49′15.6″ N, 122°27′58.1″ W; thence to 37°49′28.9″ N, 122°25′52.1″ W; thence to 37°49′7.5″ N, 122°25′13″ W; thence to 37°48′42″ N, 122°25′13″ W; thence to 37°48′30.5″ N, 122°26′22.6″ W; thence along the shore to 37°48′26.9″ N, 122°26′50.5″ W and thence to the point of beginning.

Located within this footprint, there will be three separate regulated areas: Zone “A”, the Official Practice Box Area; Zone “B”, the Official Race Box Area; and Zone “C”, the Spectator Area.

Zone “A”, the Official Practice Box Area, will be marked by colored visual markers. The position of these markers will be specified via Local Notice to Mariners at least two weeks prior to the

event and via Broadcast Notice to Mariners at least seven days prior to the event. Zone “A” would be used by the race and support vessels during the official practice period on July 11, 2024, and July 12, 2024. Zone “A”, the Official Practice Box Area, will be enforced during the official practices from noon to 5:30 p.m. on July 11, 2024, and from noon to 5:30 p.m. on July 12, 2024, or as announced via Broadcast Notice to Mariners. Excluding the public from entering Zone “A” is necessary to provide protection from the operation of the high-speed sailing vessels within this area.

Zone “B”, the Official Race Box Area, will be marked by 12 or more colored visual markers. The position of these markers will be confirmed via Broadcast Notice to Mariners at least three days prior to the event. Only designated Sail Grand Prix race, support, and VIP vessels will be permitted to enter Zone “B”. Zone “B”, the Official Race Box Area, will be enforced during the official race periods from noon to 5:30 p.m. on July 13, 2024, and from noon to 5:30 p.m. on July 14, 2024. Because of the hazards posed by the sailing competition, excluding non-race vessel traffic from Zone “B” is necessary to provide protection from the operation of the high-speed sailing vessels within the area.

Zone “C”, the Spectator Area, will be within the special local regulation area designated above and outside of Zone “B”, the Official Race Box Area. Zone “C” will be defined by latitude and longitude points per Broadcast Notice to Mariners. Zone “C” will be managed by marine event sponsor officials. Vessels will be prohibited from anchoring within the confines of Zone “C.”

The duration of the establishment of the proposed special local regulation is intended to ensure the safety of vessels in these navigable waters during the scheduled practice and race periods. This proposed temporary special local regulation will temporarily restrict vessel traffic adjacent to the city of San Francisco waterfront in the vicinity of the Golden Gate Bridge and Alcatraz Island and prohibit vessels and persons not participating in the race event from entering the dedicated race area. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the special local regulation. With this special local regulation, the Coast Guard intends to maintain commercial access to the ports through an alternate vessel traffic management scheme. The special local regulation is limited in duration and is limited to a narrowly tailored geographic area. In addition, although this rule restricts access to the waters encompassed by the special local regulation, the effect of this rule will not be significant because the local waterway users will be notified in advance via public Broadcast Notice to mariners to ensure the special local regulation will result in minimum impact. Therefore, mariners will be able to plan and transit outside of the periods of enforcement of the special local regulation. The entities most likely affected are commercial vessels and pleasure craft engaged in recreational activities.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This rule may affect owner and operators of commercial vessels and pleasure craft engaged in recreational activities and sightseeing for a limited duration. This special local regulation would not have a significant economic impact on a substantial number of small entities for the reasons stated in Section IV.A above. When the special local regulation is in effect, vessel traffic can pass safely around the regulated area.

The maritime public will be advised in advance of this special local regulation via Broadcast Notice to Mariners.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because 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. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation that will create regulated areas of limited size and cumulative duration of approximately 24 hours across four days. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment

applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2024–0378 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

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

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T11–163 to read as follows:

§ 100.T11–163 Special Local Regulation; Sail Grand Prix 2023 Race Event, San Francisco, CA.

(a) **Regulated area.** The regulations in this section apply to all navigable waters of the San Francisco Bay, from surface to bottom, encompassed by a line connecting the following latitude and longitude points, beginning at 37°48′24.3″ N, 122°27′53.5″ W; thence to 37°49′15.6″ N, 122°27′58.1″ W; thence to 37°49′28.9″ N, 122°25′52.1″ W; thence to 37°49′7.5″ N, 122°25′13″ W; thence to 37°48′42″ N, 122°25′13″ W; thence to 37°48′30.5″ N, 122°26′22.6″ W; thence along shore to 37°48′26.9″ N, 122°26′50.5″ W and thence to the point of beginning.

(b) **Definitions.** As used in this section: (1) Designated *Representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel, or a Federal, State, or local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the special local regulation.

(2) *Zone “A”* means the Official Practice Box Area. This zone will encompass all navigable waters of the San Francisco Bay, from surface to bottom, within the area formed by connecting the following latitude and longitude points in the following order: 37°49′19″ N, 122°27′19″ W; thence to 37°49′28″ N, 122°25′52″ W; thence to 37°48′40.9″ N, 122°25′43.6″ W; thence to 37°49′7.5″ N, 122°25′13″ W and thence to the point of beginning. These coordinates are the current projected position for the Official Practice Box Area and will also be announced via Broadcast Notice to Mariners.

(3) *Zone “B”* means the Official Race Box Area, which will be marked by 12 or more colored visual markers within the special regulation area designated in paragraph (a). The position of these markers will be specified via Broadcast Notice to Mariners at least three days prior to the event.

(4) *Zone “C”* means the Spectator Area, which is within the special local regulation area designated in paragraph (a) and outside of Zone “B,” the Official Race Box Area. Zone “C” will be defined by latitude and longitude points announced via Broadcast Notice to Mariners and will be managed by marine event sponsor officials. Vessels shall not anchor within the confines of Zone “C.”

(c) **Special Local Regulations.** The following regulations apply between noon and 5:30 p.m. on the Sail Grand Prix official practice and race days. (1) Only support and race vessels will be authorized by the COTP or designated

representative to enter Zone “B” during the race event. Vessel operators desiring to enter or operate within Zone “A” or Zone “B” must contact the COTP or a designated representative to obtain permission to do so. Persons and vessels may request permission to transit Zone “A” on VHF–23A.

(2) Spectator vessels in Zone “C” must maneuver as directed by the COTP or designated representative. When hailed or signaled by the COTP or designated representative by a succession of sharp, short signals by whistle or horn, the hailed vessel must come to an immediate stop and comply with the lawful direction issued. Failure to comply with a lawful direction may result in additional operating restrictions, citation for failure to comply, or both.

(3) Spectator vessels in Zone “C” must operate at safe speeds, which will create minimal wake.

(4) Vessels with approval from the COTP or designated representative to transit through the associated event zones shall maintain headway and not loiter or anchor within the confines of the regulated area.

(5) Rafting and anchoring of vessels is prohibited within the regulated area.

(d) *Enforcement periods.* This special local regulation will be enforced for the official practices and race events from noon to 5:30 p.m. each day from July 11, 2024, through July 14, 2024. At least 24 hours in advance of the official practice and race events commencing on July 11, 2024, the COTP will notify the maritime community of periods during which these zones will be enforced via Broadcast Notice to Mariners and in writing via the Coast Guard Boating Public Safety Notice.

Dated: May 4, 2024.

Jordan M. Baldueza,
Captain, U.S. Coast Guard, Alternate Captain
of the Port Sector San Francisco.

[FR Doc. 2024–10353 Filed 5–10–24; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 24–410; MB Docket No. 24–111; RM–11980; FR ID 218128]

Radio Broadcasting Services; Canadian, Texas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rulemaking filed by Hispanic Target Media Inc., proposing to amend the Table of FM Allotments, by substituting Channel 285C1 for vacant Channel 235C1 at Canadian, Texas to accommodate the hybrid modification application for Station KPQP that proposes the substitution of Channel 235C3 for Channel 291C3 at Panhandle, Texas. A staff engineering analysis indicates that Channel 285C1 can be allotted to Canadian, Texas, consistent with the minimum distance separation requirements of the Federal Communications Commission’s (Commission) rules, with a site restriction of 6.1 km (3.8 miles) north of the community. The reference coordinates are 35–57–35 NL and 100–24–24 WL.

DATES: Comments must be filed on or before June 24, 2024, and reply comments on or before July 9, 2024.

ADDRESSES: Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner and its counsel as follows: Francisco San Milan, Hispanic Target Media Inc., 2433 E Palo Verde Street, Yuma, AZ 85364 and Gene Wisniewski, c/o Hispanic Target Media Inc., 1472 E 3100 S, Wendell, ID 83355.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2054, Rolanda-Faye.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s Notice of Proposed Rule Making, MB Docket No. 24–111, adopted April 30, 2024, and released May 1, 2024. The full text of this Commission decision is available online at <https://apps.fcc.gov/ecfs>. The full text of this document can also be downloaded in Word or Portable Document Format (PDF) at <https://www.fcc.gov/edocs>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). The Commission will publish the required summary of this Notice of Proposed Rulemaking on <https://www.fcc.gov/proposed->

rulemakings, pursuant to The Providing Accountability Through Transparency Act, *see* 5 U.S.C. 553(b)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.202, in paragraph (b), amend the Table of FM Allotments under Texas by revising an entry for “Canadian” to read as follows:

§ 73.202 Table of Allotments.

* * * * *

(b) * * *

TABLE 1 TO PARAGRAPH (b)

U.S. States	Channel No.
* * *	* * *
Texas	
* * *	* * *
Canadian	285C1
* * *	* * *

* * * * *

[FR Doc. 2024–10359 Filed 5–10–24; 8:45 am]

BILLING CODE 6712–01–P

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

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

Comments regarding this information collection received by June 12, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Program Regulations—Reporting and Recordkeeping Burden.

OMB Control Number: 0584–0043.

Summary of Collection: The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides supplemental foods, nutrition education, including breastfeeding promotion and support, and health care referrals to low income, nutritionally at-risk pregnant, breastfeeding and postpartum women, infants, and children up to age five. Currently, WIC operates through State health departments in 50 States, 33 Indian Tribal Organizations, American Samoa, District of Columbia, Guam, Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. The Federal regulations governing the WIC Program (7 CFR part 246) require that certain program-related information be collected and that full and complete records concerning WIC operations are maintained. The WIC Program is authorized by the Child Nutrition Act of 1966, as amended.

Access to Baby Formula Act (ABFA) of 2022 Implementation (RIN 0584–AE94) and amends the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) program regulations by incorporating provisions of the Access to Baby Formula Act of 2022.

ABFA established waiver authority for the Secretary of Agriculture to address certain emergencies, disasters, and supply chain disruptions impacting WIC, and adds requirements to State agency infant formula cost containment contracts to protect against disruptions to the program in the event of a recall. The amended provision focuses on improving State agencies' ability to ensure continuity of program operations during emergencies, public health emergencies, and major disasters (emergency periods) and supply chain disruptions, while ensuring access to program benefits among low-income infants, children, and pregnant, postpartum, and breastfeeding applicants and participants.

Need and Use of the Information: The Food and Nutrition Service (FNS) collects information from state and local agencies, applicants, and retail vendors to determine eligibility in the WIC

Program. This ongoing information collection is mandatory for state agencies and required to obtain or retain benefits for the WIC participants. This information includes participant certification information (e.g., income and nutrition risk); nutrition education documentation; local agency and vendor application and agreement information; vendor sales and shelf price data; data related to vendor monitoring and training; financial and food delivery system records, and Electronic Benefits Transfer (EBT) delivery, alternate operating procedures in the event of an emergency period or supply-chain disruption, and remedies for infant formula cost containment contracts related to the changes in the rule. State Plans are the principal source of information about how each State agency operates its WIC Program. The information is needed for the general operation of the Program, including regulatory compliance, and for ongoing program integrity and cost-saving efforts. The information is also used by FNS to manage, plan, evaluate, make decisions, and report on WIC Program operations. If the information were not collected, the efficiency and effectiveness of the Program would be jeopardized, improper use of Federal funds would increase, and FNS' ability to detect violations would diminish greatly.

Description of Respondents: Individuals or Households; Businesses or Other for Profit; Not-for profit institutions; and State, Local, or Tribal Government.

Number of Respondents: 6,283,276.

Frequency of Responses: Recordkeeping; Reporting: Quarterly; Semi-annually; Monthly; Annually; and as Needed.

Total Burden Hours: 15,693,814.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–10421 Filed 5–10–24; 8:45 am]

BILLING CODE 3410–30–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 June 12, 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.

Title: 2024–2025 National School Foods Study.

OMB Control Number: 0584–NEW.

Summary of Collection: This new information collection request is for the 2024–2025 National School Foods Study, which consists of three components: School Nutrition and Meal Cost Study–II (SNMCS–II) (OMB Control Number 0584–0648, expired 9/30/2022), School Food Purchase Study (SFPS–IV) (OMB Control Number 0584–0471, expired 3/31/2012). Later, a reinstatement with changes of a previously approved collection was submitted for SFPS–IV but withdrawn on 6/11/2021, and an evaluation of the Fresh Fruit and Vegetable Program (FFVP) (OMB Control Number 0584–0556, expired 06/30/2013).

The school meal programs administered by the Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) are a cornerstone of the nation's nutrition safety net for low-income children. The

2024–2025 National School Foods Study continues the long-standing commitment of FNS to periodically assess the NSLP and SBP as well as the FFVP. It will provide a comprehensive picture of these programs in SY 2024–2025.

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) mandated substantial changes to the nutrition standards for school meals. These changes were implemented beginning in SY 2012–2013. The goal of the updated standards was to increase the alignment of school meals with the Dietary Guidelines for Americans and current information about the nutrient requirements of school-age children (Institute of Medicine 2010). Key reforms stemming from this legislation included new, more stringent meal pattern and nutrient requirements for school meals, new offer-versus-serve rules, gradually increased prices for paid meals, and the introduction of standards for competitive foods, called the Smart Snacks in School nutrition standards.

Need and Use of the Information: The study will collect a broad range of data from nationally representative samples of public SFAs and their State Distributing Agencies (SDA), schools, students, and parents/guardians during SY 2024–2025 in the 48 contiguous States and DC. These data will provide needed information about how federally sponsored school meal programs are operating over the 10 years following implementation of major reforms, including new nutrition standards that went into effect in SY 2012–2013 and more recent changes that will be in effect during SY 2024–2025.

Description of Respondents: State, Local and Tribal Governments, Businesses, Individuals and Households.

Number of Respondents: 22,571.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 36,653.62.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–10275 Filed 5–10–24; 8:45 am]

BILLING CODE 3410–30–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 June 12, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Report of Commodity Distribution for Disaster Relief (FNS–292A) And Report Of Disaster Supplemental Nutrition Assistance Program Benefit Issuance (FNS–292B).

OMB Control Number: 0584–0037.

Summary of Collection: State distributing agencies may release commodity or donated foods procured by the United States Department of Agriculture (USDA) to disaster organizations to provide nutritional assistance to disaster victims. Under the Code of Federal Regulations (CFR) at 7 CFR 250.69(f), a State distributing agency, including an Indian Tribal Organization (ITO) administering FNS programs, must submit its final FNS–292A to FNS within 45 days of terminating disaster operations, and under 7 CFR 250.19 (a)(b), must maintain a record of this form for three years.

State agencies may operate a Disaster Supplemental Nutrition Assistance Program (D–SNAP), a separate program

from the Supplemental Nutrition Assistance Program (SNAP) to address the temporary food needs of applicants in an affected area of a State that has received a Presidential declaration of Major Disaster with Individual Assistance. According to FNS's D-SNAP Guidance handbook, a State agency must submit its final FNS-292B to FNS within 45 days of terminating D-SNAP operations, and under 7 CFR 250.19 272.1(f), must maintain a record of this form for three years.

Report of Commodity Distribution for Disaster Relief: Form FNS-292A, *Report of Commodity Distribution for Disaster Relief*, is used by State distributing agencies and ITOs administering the Food Distribution Program on Indian Reservations (FDPIR). State distributing agencies and ITOs use this form to provide a summary report to FNS following termination of disaster commodity assistance and to request replacement of donated foods distributed during the disaster or situation of distress. State distributing agencies and ITOS must provide this form to FNS within 45 days following termination of the disaster assistance and maintain records of this form for three years.

Form FNS-292B, *Report of Disaster Supplemental Nutrition Assistance Benefit Issuance*, is used by State agencies that administer D-SNAP. This form is used by State agencies to report to FNS the number of households and persons certified for Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefits as well as the value of benefits issued. If approved to operate D-SNAP by FNS, a State agency must submit this form to FNS within 45 days of terminating D-SNAP operations, and maintain records of this form for three years.

Retention and Custody of Records. Distributing agencies, recipient agencies, processors, and other entities must maintain records of agreements and contracts, reports, audits, and claim actions, funds obtained as an incident of donated food distribution, and other records specifically required in this part or in other Departmental regulations, as applicable. In addition, distributing agencies must keep a record of the value of donated foods each of its school food authorities receives, in accordance with § 250.58(e), and records to demonstrate compliance with the professional standards for distributing agency directors established in § 235.11(g) of this chapter. Specific recordkeeping requirements relating to the use of donated foods in contracts with food service management companies are included in § 250.54. Failure of the

distributing agency, recipient agency, processor, or other entity to comply with recordkeeping requirements must be considered prima facie evidence of improper distribution or loss of donated foods and may result in a claim against such party for the loss or misuse of donated foods, in accordance with § 250.16, or in other sanctions or corrective actions. Records relating to requirements for donated foods must be retained for a period of three years from the close of the fiscal or school year to which they pertain. However, records pertaining to claims or audits that remain unresolved in this period of time must be retained until such actions have been resolved.

Need and Use of the Information: The distributing agency must report to FNS the number and location of sites where donated foods are used in congregate meals or household distribution as these sites are established. The distributing agency must also report the types and amounts of donated foods from distributing or recipient agency storage facilities used in disaster assistance, utilizing form FNS-292A, *Report of Commodity Distribution for Disaster Relief*, which must be submitted electronically, within 45 days from the termination of disaster assistance. This form must also be used to request replacement of donated foods, in accordance with paragraph (g) of this section. The distributing agency must maintain records of reports and other information relating to disasters.

If the issuance of D-SNAP benefits has been approved, the distributing agency must ensure that the disaster organization obtains the information in § 250.69(d) from households receiving donated foods and reports such information to the distributing agency.

Description of Respondents: State.

Number of Respondents: 108.

Frequency of Responses:

Recordkeeping; Reporting: Occasionally; Annually.

Total Burden Hours: 14.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024-10272 Filed 5-10-24; 8:45 am]

BILLING CODE 3410-30-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 June 12, 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.

Rural Business-Cooperative Service

Title: Rural Cooperative Development Grants—7 CFR 4284-F.

OMB Control Number: 0570-0006.

Summary of Collection: Public Law 115-334, section 310B of the Consolidated Farm and Rural Development Act (as amended), authorizes the Rural Cooperative Development Grants (RCDG) program to be administered by Rural Business-Cooperative Service (RBCS). RBCS must collect information from applicants in order to confirm eligibility for the program and to evaluate the quality of the applications. Additionally, grantees are required to submit reporting and payment request information to facilitate monitoring of the program and disbursement of funds.

Need and Use of the Information: Information is collected by RBCS and Rural Development (RD) State and Area office staff, as delegated, from applicants and grantees. The application

information is used to confirm that the applicant and use of funds meet the eligibility requirements for the program as well as to assess the quality of the proposed project. The grantees are required to submit financial status and performance reports to confirm funds are being expended as approved and requests for advance or reimbursement to request payment.

Description of Respondents: Not for profit institutions.

Number of Respondents: 41.

Frequency of Responses: Record keeping; Reporting: On occasion.

Total Burden Hours: 7,449.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–10371 Filed 5–10–24; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2022–0013]

Salmonella in Not Ready-To-Eat Breaded Stuffed Chicken Products

Correction

In notice document 2024–09393 beginning on page 35033 in the issue of Wednesday, May 1, 2024, the heading is corrected to read as set forth above.

[FR Doc. C1–2024–09393 Filed 5–10–24; 8:45 am]

BILLING CODE 0099–10–D

COMMISSION ON CIVIL RIGHTS

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

AGENCY: Commission on Civil Rights.

ACTION: Notice of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the U.S. Virgin Islands Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of the meeting is to discuss next steps in the committee's study of civil rights in the USVI.

DATES: Monday, May 20, 2024, from 12:00 p.m.–1:30 p.m. Atlantic Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual): <https://bit.ly/3y66A1S>.

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Webinar ID: 160 206 3659#.

FOR FURTHER INFORMATION CONTACT:

David Barreras, Designated Federal Officer, at dbarreras@usccr.gov or 1–202–656–8937.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested member of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting “CC” in the meeting platform. To request additional accommodations, please email svillanueva@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at svillanueva@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–656–8937.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, U.S. Virgin Islands Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at svillanueva@usccr.gov.

Agenda

- I. Welcome and Roll Call
- II. Approval of Minutes
- III. Committee Discussion
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: May 7, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–10306 Filed 5–10–24; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Puerto Rico Advisory Committee to the U.S. Commission on Civil Rights; Revision to Registration Links

AGENCY: Commission on Civil Rights.

ACTION: Notice: Revision to registration links, all other Zoom information remains the same (*i.e.*, phone numbers) but is included for convenience.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** of May 6, 2024, virtual panel briefings of the Puerto Rico Advisory Committee. The notice is in FR Doc. 2024–09743, in the second and third columns of page 37168 and the first column of page 37169. This document contains revised registration links for each briefing date.

DATES: March 13, 2023, Monday at 1:00 p.m. (CT) and April 10, 2023, Monday at 1:00 p.m. (CT).

Revised Addresses: Meetings will be held via the same Zoom information.

Panel 1 May 21 Revised Registration Link (Audio/Visual): <https://tinyurl.com/22swycnb>; password, if needed: USCCR–PR

Panel 1 Phone (Audio Only): 1–833 435 1820 USA Toll Free; Meeting ID: 160 217 7958 #

Panel 2 May 30 Revised Registration Link (Audio/Visual): <https://tinyurl.com/ydz8dunj>; password, if needed: USCCR–PR

Panel 2 Phone (Audio Only): 1–833 435 1820 USA Toll Free; Meeting ID: 160 461 9474 #

Panel 3 June 4 Revised Registration Link (Audio/Visual): <https://tinyurl.com/26um2ra2>; password, if needed: USCCR–PR

Panel 3 Phone (Audio Only): 1–833 435 1820 USA Toll Free; Meeting ID: 160 962 4965 #

FOR FURTHER INFORMATION CONTACT:

Victoria Moreno, at vmoreno@usccr.gov or by phone at (434) 515–0204.

Dated: May 7, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–10302 Filed 5–10–24; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-840]

Certain Frozen Warmwater Shrimp From India: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: The U.S. Department of Commerce (Commerce) is initiating a changed circumstances review (CCR) to determine if Varma Marine Private Limited (Varma) is the successor-in-interest to Varma Marine in the context of the antidumping duty (AD) order on certain frozen warmwater shrimp (shrimp) from India. We preliminarily determine that Varma is the successor-in-interest to Varma Marine.

DATES: Applicable May 13, 2024.

FOR FURTHER INFORMATION CONTACT: Whitley Herndon, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6274.

SUPPLEMENTARY INFORMATION:**Background**

On February 1, 2005, Commerce published in the **Federal Register** the order on shrimp from India.¹ On March 19, 2024, Varma requested that, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 351.221(c)(3), Commerce conduct an expedited CCR² to determine that Varma is the successor-in-interest to Varma Marine and, accordingly, assign to it the cash deposit rate for Varma Marine.³ In its submission, Varma stated that, in 2023, Varma and Varma Marine signed a takeover agreement to transfer all of Varma Marine's assets and liabilities to Varma.⁴ Thus, Varma operates as essentially the same

business entity as Varma Marine with respect to the production and sale of subject merchandise.

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.⁵

Initiation and Preliminary Results of CCR

Pursuant to section 751(b)(1)(A) of the Act and 19 CFR 351.216(d), Commerce will conduct a CCR upon receipt of information concerning, or a request from, an interested party for a review of an AD order which shows changed circumstances sufficient to warrant a review of the order. The information submitted by Varma supporting its claim that it is the successor-in-interest to Varma Marine demonstrates changed circumstances sufficient to warrant a review.⁶ Therefore, in accordance with section 751(b)(1)(A) of the Act and 19 CFR 351.216(d), we are initiating a CCR based upon the information contained in Varma's submission.

Section 351.221(c)(3)(ii) of Commerce's regulations permits Commerce to combine the notice of initiation of a CCR and the notice of preliminary results if Commerce concludes that expedited action is warranted.⁷ In this instance, because the record contains information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notice of initiation and the notice of preliminary results.⁸

In this CCR, pursuant to section 751(b) of the Act, Commerce conducted a successor-in-interest analysis. In making a successor-in-interest determination, Commerce examines several factors, including, but not limited to, changes in the following: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base.⁹ While no single factor

or combination of factors will necessarily provide a dispositive indication of a successor-in-interest relationship, generally, Commerce will consider the new company to be the successor to the previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor.¹⁰ Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, Commerce may assign the new company the cash deposit rate of its predecessor.¹¹

In accordance with 19 CFR 351.216, we preliminarily determine that Varma is the successor-in-interest to Varma Marine. Varma submitted record evidence which indicates that Varma operates as essentially the same business entity as Varma Marine with respect to the subject merchandise.¹²

For the complete successor-in-interest analysis, refer to the accompanying Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as an appendix 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 available at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Antidumping Duty Changed Circumstances Review, 81 FR 75376 (October 31, 2016) (*Shrimp from India 2016 CCR Preliminary Results*), unchanged in *Certain Frozen Warmwater Shrimp from India: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 81 FR 90774 (December 15, 2016) (*Shrimp from India 2016 CCR Final Results*).

¹⁰ See, e.g., *Shrimp from India 2016 CCR Preliminary Results*, 81 FR at 75377, unchanged in *Shrimp from India 2016 CCR Final Results*, 81 FR at 90774.

¹¹ *Id.*; see also *Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber from Japan*, 67 FR 58, 59 (January 2, 2002); *Ball Bearings and Parts Thereof from France: Final Results of Changed-Circumstances Review*, 75 FR 34688, 34689 (June 18, 2010); and *Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Preliminary Results of Antidumping Duty Changed Circumstances Review*, 63 FR 14679 (March 26, 1998), unchanged in *Circular Welded Non-Alloy Steel Pipe from Korea: Final Results of Antidumping Duty Changed Circumstances Review*, 63 FR 20572 (April 27, 1998), in which Commerce found that a company which only changed its name and did not change its operations is a successor-in-interest to the company before it changed its name.

¹² See Varma's CCR Request.

¹ See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India*, 70 FR 5147 (February 1, 2005) (*Order*).

² See Varma's Letter, "Varma Marine Private Limited's Request for a Changed Circumstances Review in Certain Frozen Warmwater Shrimp from India, Case No. A-533-840," dated March 19, 2024 (Varma's CCR Request).

³ In the 2021-2022 review, the last completed segment of this proceeding which covered Varma Marine, Commerce assigned Varma Marine a cash deposit rate of 3.88 percent. See *Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping Duty Administrative Review; 2021-2022*, 88 FR 60431 (September 1, 2023).

⁴ See Varma's CCR Request.

⁵ See Memorandum, "Decision Memorandum for the Preliminary Results of Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁶ See 19 CFR 351.216(d).

⁷ See 19 CFR 351.221(c)(3)(ii); see also *Certain Pasta from Italy: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 80 FR 33480, 33480-41 (June 12, 2015) (*Pasta from Italy Preliminary Results*), unchanged in *Certain Pasta from Italy: Final Results of Changed Circumstances Review*, 80 FR 48807 (August 14, 2015) (*Pasta from Italy Final Results*).

⁸ See, e.g., *Pasta from Italy Preliminary Results*, 80 FR at 33480-41, unchanged in *Pasta from Italy Final Results*, 80 FR at 48807.

⁹ See, e.g., *Certain Frozen Warmwater Shrimp from India: Initiation and Preliminary Results of*

Public Comment

In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not 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, in accordance with 19 CFR 351.309(d)(1). 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.¹³ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this proceeding, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁴ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results of this CCR. We request that interested parties include footnotes for relevant citations in the public 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).¹⁵

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days of publication of this notice. Requests should contain the following information: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.

If a request for a hearing is made, Commerce will inform parties of the time and date for the hearing.

Final Results of Review

Consistent with 19 CFR 351.216(e), we intend to issue the final results of this CCR no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216(b), 351.221(b) and 351.221(c)(3).

Dated: May 3, 2024.

Ryan Majerus,

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

Appendix**List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Successor-in-Interest Determination
- V. Recommendation

[FR Doc. 2024–10327 Filed 5–10–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE**International Trade Administration****North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Panel Decision**

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of Panel Decision.

SUMMARY: On May 6, 2024, the Binational Panel issued its Decision in the matter of Certain Softwood Lumber Products from Canada: Final Affirmative Countervailing Duty Determination (Secretariat File Number: USA–CDA–2017–1904–02). The Binational Panel affirmed in part and remanded in part the Department of Commerce's Final Determination.

FOR FURTHER INFORMATION CONTACT:

Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–2311.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA 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 provide judicial review of the trade remedy determination being challenged and then issue a binding Panel Decision. There are established *Rules of Procedure for Article 1904 Binational Panel Reviews*, which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA. The notice of this Binational Panel's Decision is being published pursuant to Rule 70. For the complete Rules, please see https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/nafta-alena-tlcan/rules-regles-reglas/article-article-articulo_1904.aspx?lang=eng.

Dated: May 7, 2024.

Vidya Desai,

United States Secretary, NAFTA Secretariat.

[FR Doc. 2024–10307 Filed 5–10–24; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE**International Trade Administration****Announcement of Approved International Trade Administration Trade Mission**

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The United States Department of Commerce, International Trade Administration (ITA), is announcing one upcoming trade mission that will be recruited, organized, and implemented by ITA. This mission is: U.S. Industry Program (USIP) at the International Atomic Energy Agency (IAEA) General Conference in Vienna, Austria—September 15–18, 2024. A summary of the mission is found below. Application information and more detailed mission information, including the commercial setting and sector information, can be found at the trade mission website: <https://www.trade.gov/trade-missions>. For this mission, recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (<https://www.trade.gov/trade-missions-schedule>) and other internet websites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

FOR FURTHER INFORMATION CONTACT: Jonathan Chesebro, Senior Nuclear

¹³ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁴ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁵ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

Trade Specialist, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 603-4968 or email jonathan.chesebro@trade.gov.

SUPPLEMENTARY INFORMATION:

The Following Conditions for Participation Will Be Used for the Mission

Applicants must submit a completed and signed mission application and supplemental application materials, including adequate information on their products and/or services, primary market objectives, and goals for participation that is adequate to allow the U.S. Department of Commerce (DOC) to evaluate their application. If the DOC receives an incomplete application, the Department may either: reject the application, request additional information/clarification, or take the lack of information into account when evaluating the application. If the requisite minimum number of participants is not selected for a particular mission by the recruitment deadline, the mission may be cancelled.

Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, are marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content by value. In the case of a trade association or organization, the applicant must certify that, for each firm or service provider to be represented by the association/organization, the products and/or services the represented firm or service provider seeks to export are either produced in the United States or, if not, marketed under the name of a U.S. firm and have at least 51 percent U.S. content. Each applicant must certify that one's organization is not majority owned or controlled by a foreign government entity (or foreign government entities).

A trade association/organization applicant must certify to the above for all of the companies it seeks to represent on the mission. In addition, each applicant must:

- Certify that the products and services that it wishes to market through the mission would be in compliance with U.S. export controls and regulations;
- Certify that it has identified any matter pending before any bureau or office in the DOC;
- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the DOC; and

- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

In the case of a trade association/organization, the applicant must certify that each firm or service provider to be represented by the association/organization can make the above certifications.

The Following Selection Criteria Will Be Used for the Mission

Targeted mission participants are U.S. firms, services providers and trade associations/organizations providing or promoting U.S. products and services that have an interest in entering or expanding their business in the mission's destination country. The following criteria will be evaluated in selecting participants:

- Suitability of the applicant's (or in the case of a trade association/organization, represented firm's or service provider's) products or services to these markets;
- The applicant's (or in the case of a trade association/organization, represented firm's or service provider's) potential for business in the markets, including likelihood of exports resulting from the mission; and
- Consistency of the applicant's (or in the case of a trade association/organization, represented firm's or service provider's) goals and objectives with the stated scope of the mission.

Balance of company size and location may also be considered during the review process.

Referrals from a political party or partisan political group or any information, including on the application, containing references to political contributions or other partisan political activities will be excluded from the application and will not be considered during the selection process. The sender will be notified of these exclusions.

Definition of Small- and Medium-Sized Enterprise

For purposes of assessing participation fees, an applicant is a small or medium-sized enterprise (SME) if it qualifies as a "small business" under the Small Business Administration's (SBA) size standards (<https://www.sba.gov/document/support-table-size-standards>), which vary by North American Industry Classification System (NAICS) Code. The SBA Size Standards Tool (<https://>

www.sba.gov/size-standards) can help you determine the qualifications that apply to your company.

Mission List: (additional information about trade missions can be found at <https://www.trade.gov/trade-missions>).

U.S. Industry Program (USIP) at the International Atomic Energy Agency (IAEA) General Conference in Vienna, Austria—September 15–18, 2024

Summary

The U.S. Department of Commerce's (DOC) International Trade Administration (ITA), with participation from the U.S. Departments of Energy and State, is organizing its annual U.S. Industry Program at the International Atomic Energy Agency (IAEA) General Conference, to be held September 15–18, 2024, in Vienna, Austria. The IAEA General Conference is the premier global meeting of civil nuclear policymakers and typically attracts senior officials and industry representatives from all 178 Member States. The U.S. Industry Program is part of the DOC's Civil Nuclear Trade Initiative, a U.S. Government (USG) effort to help U.S. civil nuclear companies identify and capitalize on commercial civil nuclear opportunities around the world. The purpose of the program is to demonstrate high level USG support for the U.S. nuclear industry to promote its services and technologies to an international audience, including senior energy policymakers from current and emerging markets as well as IAEA staff.

Representatives of U.S. companies from across the U.S. civil nuclear supply chain are eligible to participate. In addition, organizations providing related services to the industry, such as universities, research institutions, and U.S. civil nuclear trade associations, are eligible for participation. The mission will help U.S. participants gain market insights, make industry contacts, solidify business strategies, and identify or advance specific projects with the goal of increasing U.S. civil nuclear exports to a wide variety of countries interested in nuclear energy. A senior DOC official will lead the U.S. industry delegation.

The schedule includes: meetings with foreign delegations and discussions with senior USG officials on important civil nuclear topics including regulatory, technology and standards, liability, public acceptance, export controls, financing, infrastructure development, and R&D cooperation. Past U.S. Industry Programs have included participation by the U.S. Secretary of Energy, the Chair of the

U.S. Nuclear Regulatory Commission (NRC) and senior USG officials from the Departments of Commerce, Energy, State, the Export-Import Bank of the United States and the National Security Council.

There are significant opportunities for U.S. businesses in the global civil nuclear energy market. With 58 reactors currently under construction in 15 countries and 160 nuclear plant projects planned in 27 countries over the next 8–10 years, this translates to a market demand for equipment and services totaling \$500–740 billion over the next ten years.

Commercial Setting

The IAEA General Conference is the premier global meeting of civil nuclear policymakers, and typically attracts over 1,200 senior officials and industry representatives from all 178 IAEA Member States. As such, it is an opportunity to highlight the breadth and depth of the U.S. civil nuclear sector to foreign energy policymakers and potential customers. The U.S. Industry Program will provide opportunities for U.S. industry representatives to meet with USG representatives and discuss key issues of interest for civil nuclear exporters. The program will also feature briefings from foreign government representatives, providing opportunities for participants to develop contacts in potential export markets, and to secure future deals.

Mission Goals

The purpose of the U.S. Industry Program is to highlight the benefits of U.S. civil nuclear technology to foreign decision makers in key export markets and to enable representatives from the U.S. public and private sector to discuss U.S. industry's role in the safe and secure expansion of civil nuclear power worldwide. U.S. participants will also have the opportunity to network and build relationships in the global civil nuclear sector, interact with foreign government and industry officials, and learn more about current and future project opportunities. Foreign government participants will hear about the expertise that U.S. industry has amassed in this sector and may learn how to better partner with U.S. industry on future nuclear power projects.

Mission Scenario

On Sunday September 15, trade mission participants will have one-on-one meetings with visiting ITA staff from top export markets as part of ITA's Showtime Program (meetings are subject to availability of visiting ITA staff). On Monday, September 16, mission

participants will begin with a Policymaker's Roundtable and an interagency USG briefing featuring discussion sessions and remarks by senior officials from the U.S. Departments of Commerce, Energy and State, and the NRC. In addition, meetings with foreign delegation officials from some of the top markets for U.S. civil nuclear exports will take place on Monday, Tuesday, and Wednesday. Approximately ten such meetings will be planned throughout the duration of the event. On Tuesday, the U.S. delegation will host a reception to network with international delegations. Throughout the week-long conference, participants can attend IAEA side meetings using their official IAEA badges, which will be provided as part of the program.

Event Dates and Proposed Agenda

* * * * Note that specific events and meeting times have yet to be confirmed * * * *

Sunday, September 15

2:00 p.m.–5:00 p.m. 1–1 Showtime Meetings with visiting ITA Staff
6:00 p.m.–8:00 p.m. U.S. Industry Welcome Reception

Monday, September 16

7:00 a.m. Industry Program Breakfast Begins
8:00–9:45 a.m. U.S. Policymakers Roundtable
9:45–10:00 a.m. Break
10:00–11:00 a.m. USG Dialogue with Industry
11:00 a.m.–6:00 p.m. IAEA Side Events
11:00 a.m.–12:30 p.m. Break
12:30–6:00 p.m. Country Briefings for Industry Delegation (presented by foreign delegates)
7:30–9:30 p.m. U.S. Mission to the IAEA Reception

Tuesday, September 17

9:00 a.m.–6:00 p.m. Country Briefings for Industry (presented by foreign delegates)
10:00 a.m.–6:00 p.m. IAEA Side Event Meetings

Wednesday, September 18

9:00 a.m.–6:00 p.m. Country Briefings for Industry (presented by foreign delegates)
10:00 a.m.–6:00 p.m. IAEA Side Event Meetings

Participation Requirements

All parties interested in participating in the trade mission must complete and submit an application package for consideration by the DOC. All

applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 15 and maximum of 50 representatives from U.S. companies and/or trade associations and/or U.S. academic and research institutions will be selected to participate in the mission from the applicant pool. The first ten accepted applicants will be permitted to send two representatives per organization (if desired). After the first ten accepted applicants, additional representatives will be permitted only if space is available. Participating companies may send more than two participants if space permits. The Department of Commerce will evaluate applications and inform applicants of selection decisions [three weeks after publication in the **Federal Register**] and on a rolling basis thereafter.

Fees and Expenses

After a company or organization has been selected to participate on the mission, a payment to the DOC in the form of a participation fee is required. The fee covers ITA support to register U.S. industry participants for the IAEA General Conference. Expenses for travel, lodging, meals, and incidentals will be the responsibility of each mission participant. Interpreter and driver services can be arranged for additional cost. Participants will be able to take advantage of discounted rates for hotel rooms.

- The fee to participate in the event is \$6,240 for a large company and \$5,900 for a small or medium-sized company (SME), a trade association, or a U.S. university or research institution. The fee for each additional representative (large company, trade association, university/research institution, or SME) is \$2,000.

- For more information on the mission and to complete the trade mission application, visit <https://events.trade.gov/USIP2024IAEA>.

If and when an applicant is selected to participate on a particular mission, a payment to the Department of Commerce in the amount of the designated participation fee below is required. Upon notification of acceptance to participate, those selected have 5 business days to submit payment or the acceptance may be revoked.

Participants selected for a trade mission will be expected to pay for the cost of personal expenses, including, but not limited to, international travel, lodging, meals, transportation, communication, and incidentals, unless otherwise noted. Participants will, however, be able to take advantage of

USG rates for hotel rooms. In the event that a mission is cancelled, no personal expenses paid in anticipation of a mission will be reimbursed. However, participation fees for a cancelled mission will be reimbursed to the extent they have not already been expended in anticipation of the mission.

If a visa is required to travel on a particular mission, applying for and obtaining such a visa will be the responsibility of the mission participant. Government fees and processing expenses to obtain such a visa are not included in the participation fee. However, the Department of Commerce will provide instructions to each participant on the procedures required to obtain business visas.

Trade Mission members participate in trade missions and undertake mission-related travel at their own risk. The nature of the security situation in a given foreign market at a given time cannot be guaranteed. The USG does not make any representations or guarantees as to the safety or security of participants. The U.S. Department of State issues USG international travel alerts and warnings for U.S. citizens available at <https://travel.state.gov/content/passports/en/alertswarnings.html>. Any question regarding insurance coverage must be resolved by the participant and its insurer of choice. Participants are responsible for determining any travel requirements or restrictions that are in place due to COVID-19.

Travel and in-person activities are contingent upon the safety and health conditions in the United States and the mission countries. Should safety or health conditions not be appropriate for travel and/or in-person activities, the Department will consider postponing the event or offering a virtual program in lieu of an in-person agenda. In the event of a postponement, the Department will notify the public and applicants previously selected to participate in this mission will need to confirm their availability but need not reapply. Should the decision be made to organize a virtual program, the Department will adjust fees accordingly, prepare an agenda for virtual activities, and notify the previously selected applicants with the option to opt-in to the new virtual program.

Timeframe for Recruitment and Participation

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission

calendar (http://export.gov/trade_missions), and notices by industry trade associations and other multiplier groups. Recruitment for the mission will begin immediately and conclude no later than July 26, 2024. The U.S. Department of Commerce will review applications and inform applicants of selection decisions on a rolling basis. Applications received after July 26, 2024, will be considered only if space and scheduling constraints permit.

Contacts

Jonathan Chesebro, Industry & Analysis, Office of Energy and Environmental Industries, Washington, DC, Tel: (202) 603-4968, Email: jonathan.chesebro@trade.gov

Emily Church, Industry & Analysis, Office of Energy and Environmental Industries, Washington, DC, Tel: (771) 215-7146, Email: emily.church@trade.gov

Dated: May 7, 2024.

Man Cho,

Deputy Director, ITA Office of Energy and Environmental Industries.

[FR Doc. 2024-10296 Filed 5-10-24; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-580-884]

Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Hyundai Steel Company (Hyundai Steel) and POSCO, producers/exporters of certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea), received countervailable subsidies during the period of review (POR) January 1, 2021, through December 31, 2021.

DATES: Applicable May 13, 2024.

FOR FURTHER INFORMATION CONTACT: Nathan James or Kelsie Hohenberger, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5305 or (202) 482-2517, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 2023, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** and invited interested parties to comment.¹ On February 22, 2024, Commerce extended the deadline for issuing the final results until May 3, 2024.² For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.³

Scope of the Order⁴

The merchandise covered by this Order is hot-rolled steel. For a complete description of the scope of the Order, see the Issues and Decision Memorandum.

Analysis of Comments Received

We addressed all issues raised in interested parties' case briefs in the Issues and Decision Memorandum. A list of the issues raised by parties, to which Commerce responded in the Issues and Decision Memorandum, is provided as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on comments received from interested parties, we made certain changes to Hyundai Steel's and POSCO's countervailable subsidy rate calculations from the *Preliminary Results*. For a discussion of these comments, see the Issues and Decision Memorandum.

¹ See *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review*, 2021, 88 FR 76178 (November 6, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, "Extension of Deadline for Final Results of Countervailing Duty Administrative Review," dated February 22, 2024.

³ See Memorandum, "Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review; 2021," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See *Certain Hot-Rolled Steel Flat Products from Brazil and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders*, 81 FR 67960 (October 3, 2016) (*Order*).

Methodology

Commerce conducted this 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.⁵ For a full description of the methodologies underlying all of Commerce's conclusions, see the Issues and Decision Memorandum.

Final Results of Administrative Review

We determine that, for the period January 1, 2021, through December 31, 2021, the following total net countervailable subsidy rates exist:

Producer/exporter	Subsidy rate (percent ad valorem)
Hyundai Steel Company ⁶	0.76
POSCO ⁷	0.86

Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment

Pursuant to 19 CFR 351.212(b)(2), Commerce has determined, and CBP shall assess, countervailing duties on all

⁵ 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.

⁶ As discussed in the *Preliminary Results* PDM, Commerce has found the following companies to be cross-owned with Hyundai Steel Company: Hyundai ITC and Hyundai Green Power. Additionally, we note that Hyundai Steel Company is also known as Hyundai Steel Co., Ltd.

⁷ As discussed in the *Preliminary Results* PDM, Commerce has found the following companies to be cross-owned with POSCO: Pohang Scrap Recycling Distribution Center Co. Ltd.; POSCO Chemical; POSCO M-Tech; POSCO Nippon Steel RHF Joint Venture Co., Ltd.; POSCO Terminal, and POSCO Steel Processing and Service. Also as discussed in the *Preliminary Results* we note that POSCO has an affiliated trading company through which it exported certain subject merchandise, *i.e.*, POSCO International Corporation (POSCO International). POSCO International was not selected as a mandatory respondent, but was examined in the context of POSCO. Therefore, there is not an individually-established rate for POSCO International; POSCO International's subsidies are accounted for in terms of POSCO's total subsidy rate. Entries of subject merchandise exported by POSCO International will receive the rate of the producer listed on the entry form with U.S. Customs and Border Protection (CBP). Thus, the subsidy rate applied to POSCO (and POSCO's cross-owned affiliates) is also applied to POSCO International for entries of subject merchandise produced by POSCO.

appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. 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 Rates

Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above 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 administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the all-others rate or most recent company-specific rate applicable to the company, as appropriate. These cash deposits, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to 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/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

These final 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)(5).

Dated: May 3, 2024.

Ryan Majerus,

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

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background

III. Subsidies Valuation

IV. Analysis of Programs

V. Discussion of the Issues

Comment 1: Whether the Korea Emissions Trading System (K-ETS) Program Is Countervailable

Comment 2: Whether To Modify the K-ETS Benchmark and Benefit Calculations

Comment 3: Whether the Government of Korea's (GOK's) Provision of Electricity was Consistent With Market Principles During the POR

Comment 4: Whether the Electricity for Less-Than-Adequate-Remuneration (LTAR) Program Is Specific

Comment 5: Whether To Modify the Benefit Calculation for the Electricity for LTAR Program

Comment 6: Whether the Benchmark Calculations for Electricity for More Than Adequate Remuneration (MTAR) Should Differentiate for Time-of-Use

Comment 7: Whether Certain Industrial Technology Innovation Promotion Act (ITIPA) Grants Received by POSCO SPS and POSCO Chemical are Tied to Non-Subject Merchandise

Comment 8: Whether Certain of POSCO Chemical's Local Tax Exemptions Under the Restriction of Special Location Taxation Act (RSLTA) Article 78 Are Tied to Non-Subject Merchandise

Comment 9: Whether Certain of POSCO's Quota Tariff Import Duty Exemptions Under Article 71 of the Custom's Act Are Tied to Non-Subject Merchandise

Comment 10: Whether Hyundai Steel Is Cross-Owned With Hyundai Green Power (HGP)

Comment 11: Whether POSCO International Received Tax Credits Under RSTA Article 25(1)(5)

VI. Recommendation

[FR Doc. 2024–10315 Filed 5–10–24; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD923]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Army Corps of Engineers Debris Dock Replacement Project, Sausalito, California

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

ACTION: Notice; request for comments on proposed renewal incidental harassment authorization.

SUMMARY: NMFS received a request from the U.S. Army Corps of Engineers (ACOE) for the renewal of their currently active incidental harassment authorization (IHA) to take marine

mammals incidental to the Debris Dock Replacement Project in Sausalito, California. ACOE activities are identical to those covered in the current authorization. ACOE's activities will not be completed prior to the renewal authorization. Pursuant to the Marine Mammal Protection Act (MMPA), prior to issuing the currently active IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal not previously provided during the initial 30-day comment period.

DATES: Comments and information must be received no later than May 28, 2024.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and should be submitted via email to ITP.Owens@noaa.gov.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word, Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Electronic copies of the original application, renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Summer Owens, 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 promulgated or, if the taking is limited to harassment, an IHA is issued.

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 such species or stocks for taking for certain subsistence uses (referred to here as "mitigation measures"). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as "take," "harassment," and "negligible impact" can be found in the MMPA and the NMFS' implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

NMFS' regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA

expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

(1) A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

(2) The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

(3) Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>. Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

History of Request

On July 14, 2021, NMFS issued an IHA to the U.S. ACOE to take marine mammals incidental to the Debris Dock Replacement Project in Sausalito, California (86 FR 37124, July 14, 2021) effective September 1, 2021–August 31, 2022. As the planned work was never begun, NMFS reissued this IHA three times on request from the ACOE, effective January 5, 2022–January 4, 2023 (86 FR 73261, December 21, 2021), January 1, 2024–December 31, 2024 (88 FR 16412, March 17, 2023), and most recently, effective July 15, 2023–July 14, 2024 (88 FR 38035, June 12, 2023). On April 4, 2024, NMFS received an application for the renewal of the most recent reissued IHA, referred to herein as the initial IHA. As described in the application for renewal IHA, the activities for which incidental take is requested are identical to those covered in the initial authorization.

Description of the Specified Activities and Anticipated Impacts

The planned activities (including mitigation, monitoring, and reporting) authorized incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the previously issued IHA. No work has yet occurred under the IHA, but the ACOE has informed us that they plan to begin the

planned work but not finish it prior to expiration of the currently issued IHA.

The purpose of the ACOE's construction project is to replace the existing decaying dock and other onshore infrastructure used to move marine debris collected from San Francisco Bay onto land for disposal. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the initial IHA. The mitigation and monitoring are also as prescribed in the initial IHA.

Species that are expected to be taken by the planned activity include harbor porpoise (*Phocoena phocoena*), harbor seal (*Phoca vitulina*), gray whale (*Eschrichtius robustus*), bottlenose dolphin (*Tursiops truncatus*), California sea lion (*Zalophus californianus*), northern fur seal (*Callorhinus ursinus*), and northern elephant seal (*Mirounga angustirostris*). A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is found in the previous documents referenced above. The data inputs and methods of estimating take are identical to those used in the initial IHA. NMFS has reviewed recent Stock Assessment Reports (SAR), information on relevant Unusual Mortality Events (UME), and recent scientific literature, and determined that no new information affects our original analysis of impacts or take estimates under the initial IHA.

We refer to the documents related to the previously issued IHA, which include the **Federal Register** notice of the issuance of the 2021 IHA for the ACOE's construction work (86 FR 37124, July 14, 2021), the ACOE's application, the **Federal Register** notice of the proposed IHA (86 FR 28768, May 28, 2021), all associated references and documents, and **Federal Register** notices of issuance for the reissued IHAs.

Detailed Description of the Activity

A detailed description of the demolition and construction activities for which take is proposed here may be found in the notices of the proposed (86 FR 28768, May 28, 2021) and final IHAs for the 2021 authorization. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices. The proposed renewal would be effective for a period from July 15, 2024, to July 14, 2025.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the notices of the proposed and final IHAs for the 2021 authorization. NMFS has reviewed recent SARs, including the draft 2023 SARs, information on relevant UMEs, and other scientific literature, and determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA. Two of the authorized stocks have increased slightly in abundance according to the draft 2023 SARs. The San Francisco/Russian River stock of harbor porpoise has increased from 7,524 to 7,777 and the California breeding stock of northern elephant seal has increased from 179,000 to 187,386. However, these new population abundance estimates do not change estimated take numbers, or influence the findings made in support of the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which an authorization of incidental take is proposed here may be found in the notices of the proposed and final IHAs for the 2021 authorization. NMFS has reviewed recent draft SARs, information on relevant UMEs, and other scientific literature, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the Notices of the Final IHAs for the 2021 authorization. Specifically, the source levels, days of operation, and marine mammal density and occurrence data applicable to this authorization remain unchanged from the previously issued IHAs. Similarly, the stocks taken, methods and types of takes, and numbers of takes remain unchanged from the previously issued IHA, as do the number of takes, which are indicated below in table 1.

TABLE 1—SUMMARY OF MARINE MAMMAL TAKES BY SPECIES

Common name	Scientific name	Stock	Level A harassment	Level B harassment	Percent of stock
Harbor Seal	<i>Phoca vitulina</i>	California	2	527	1.7
Harbor Porpoise	<i>Phocoena phocoena</i>	San Francisco-Russian River	2	21	0.3
California Sea Lion	<i>Zalophus californianus</i>	U.S	2	20	<0.1
Gray Whale	<i>Eschrichtius robustus</i>	Eastern North Pacific	0	2	<0.1
Bottlenose Dolphin	<i>Tursiops truncatus</i>	California Coastal	0	9	2
Northern Elephant Seal ...	<i>Mirounga angustirostris</i> ...	California Breeding	0	5	<0.1
Northern Fur Seal	<i>Callorhinus ursinus</i>	California and Eastern North Pacific	0	3	<0.1

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in the authorization are identical to those included in the Federal Register notice announcing the issuance of the 2021 IHA and subsequently included in the reissued IHAs, and the discussion of the least practicable adverse impact included in the application and the notice of the proposed and final IHA remains accurate.

Comments and Responses

As noted previously, NMFS published a notice of a proposed IHA (86 FR 28768, May 28, 2021) and solicited public comments on both our proposal to issue the 2021 IHA for pile driving and removal activities and on the potential for a renewal IHA, should certain requirements be met.

All public comments were addressed in the notice announcing the issuance of the initial IHA (86 FR 37124, July 14, 2021) and none of the comments specifically pertained to the renewal of the IHA.

Preliminary Determinations

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will affect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) U.S. ACOE activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and, (5)

appropriate monitoring and reporting requirements are included.

Endangered Species Act (ESA)

Section 7(a)(2) of the ESA (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure 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.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to the U.S. ACOE for conducting Debris Dock Replacement Project using pile driving in Sausalito, California, between July 15, 2024, and July 14, 2025, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial IHA can be found at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-army-corps-engineers-debris-dock-replacement-project-sausalito>. We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: May 6, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–10418 Filed 5–10–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD880]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of issuance of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS’ MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico (GOM), notification is hereby given that a Letter of Authorization (LOA) has been issued to Shell Offshore Inc. (Shell) for the take of marine mammals incidental to geophysical survey activity in the GOM. DATES: The LOA is effective from July 1, 2024 through June 30, 2025.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico. In case of problems accessing these documents, please call the contact listed below (see FOR FURTHER INFORMATION CONTACT).

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who

engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively “industry operators”), in U.S. waters of the GOM over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and

their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

Summary of Request and Analysis

Shell plans to conduct a 4D ocean bottom node (OBN) survey in the Mississippi Canyon 392, De Soto Canyon and the surrounding 62 lease blocks; with approximate water depths ranging from 1,700 to 2,400 meters (m). See section F of the LOA application for a map of the area. Shell anticipates using a single source vessel, towing a conventional airgun array source consisting of 32 elements, with a total volume of 5,110 cubic inches (in³). Please see Shell’s application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by Shell in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5398, January 19, 2021). In order to generate the appropriate take number for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone);¹ (3) number of days; and (4) season.² The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No OBN surveys were included in the modeled survey types, and use of existing proxies (*i.e.*, 2D, 3D NAZ, 3D WAZ, Coil) is generally conservative for use in evaluation of 3D OBN survey effort, largely due to the greater area covered by the modeled proxies. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29212, 29220, June 22, 2018). Coil was selected as the best available proxy survey type because the spatial coverage of the planned survey is most similar to that associated with the coil survey pattern. The planned OBN survey will involve one source vessel sailing along

closely spaced survey lines approximately 25 kilometers (km) in length. The coil survey pattern in the model was assumed to cover approximately 144 kilometers squared (km²) per day (compared with approximately 795 km², 199 km², and 845 km² per day for the 2D, 3D NAZ, and 3D WAZ survey patterns, respectively). Among the different parameters of the modeled survey patterns (*e.g.*, area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Although Shell is not proposing to perform a survey using the coil geometry, its planned OBN survey is expected to cover approximately 14.3 km² per day, meaning that the coil proxy is most representative of the effort planned by Shell in terms of predicted Level B harassment exposures.

In addition, all available acoustic exposure modeling results assume use of a 72-element, 8,000 in³ array. Thus, take numbers authorized through the LOA are considered conservative due to differences in both the airgun array (32 elements, 5,110 in³) and the daily survey area planned by Shell (14.3 km²), as compared to those modeled for the rule.

The survey is planned to occur for approximately 90 days, with airguns being used on 19 of the days in Zone 5 and 44 days in Zone 7. The seasonal distribution of survey days is not known in advance. Therefore, the take estimates for each species are based on the season that has the greater value for the species (*i.e.*, winter or summer).

For some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, the rule acknowledged that other information could be considered (see, *e.g.*, 86 FR 5442, January 19, 2021), discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs

¹ For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

² For purposes of acoustic exposure modeling, seasons include Winter (December–March) and Summer (April–November).

used differ substantively from those that were previously reviewed by NMFS and the public. For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate for certain marine mammal species produces results inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates for those species as described below.

NMFS' final rule described a "core habitat area" for Rice's whales (formerly known as GOM Bryde's whales)³ located in the northeastern GOM in waters between 100 and 400 m depth along the continental shelf break (Rosel *et al.*, 2016). However, whaling records suggest that Rice's whales historically had a broader distribution within similar habitat parameters throughout the GOM (Reeves *et al.*, 2011; Rosel and Wilcox, 2014). In addition, habitat-based density modeling has identified similar habitat (*i.e.*, approximately 100 to 400 m water depths along the continental shelf break) (Roberts *et al.*, 2016; Garrison *et al.*, 2023), and Rice's whales have been detected within this depth band throughout the GOM (Soldevilla *et al.*, 2022, 2024). See discussion provided at, *e.g.*, 83 FR 29228, June 22, 2018; 83 FR 29280, June 22, 2018; 86 FR 5418, January 19, 2021.

Although Rice's whales may occur outside of the core habitat area, we expect that any such occurrence would be limited to the narrow band of habitat described above (*i.e.*, 100–400 m) and that, based on the few available records, these occurrences would be rare. Shell's planned activities will occur in water depths of approximately 1,700 to 2,400 m in the central GOM. Thus, NMFS does not expect there to be the reasonable potential for take of Rice's whale in association with this survey and, accordingly, does not authorize take of Rice's whale through the LOA.

Killer whales are the most rarely encountered species in the GOM, typically in deep waters of the central GOM (Roberts *et al.*, 2015; Maze-Foley and Mullin, 2006). As discussed in the final rule, the density models produced by Roberts *et al.* (2016) represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few

data, as indicated by the coefficient of variation associated with the abundance predicted by the model (0.41, the second-highest of any GOM species model; Roberts *et al.*, 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species (as discussed above) and expressed that, due to the limited data available to inform the model, it "should be viewed cautiously" (Roberts *et al.*, 2015).

NOAA surveys in the GOM from 1992 to 2009 reported only 16 sightings of killer whales, with an additional 3 encounters during more recent survey effort from 2017 to 2018 (Waring *et al.*, 2013; <https://www.boem.gov/gommapps>). Two other species were also observed on fewer than 20 occasions during the 1992 to 2009 NOAA surveys (Fraser's dolphin and false killer whale).⁴ However, observational data collected by protected species observers (PSO) on industry geophysical survey vessels from 2002 to 2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69 occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002 to 2008 and 2009 to 2015). This information qualitatively informed our rulemaking process, as discussed at 86 FR 5322 and 86 FR 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounter during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia* spp. or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor affecting detectability of killer whales from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that

killer whales spent 78 percent of their time at depths between 0–10 m. Similarly, Kvadsheim *et al.* (2012) reported data from a study of 4 killer whales, noting that the whales performed 20 times as many dives 1–30 m in depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water (>700 m). This survey would take place in deep waters that would overlap with depths in which killer whales typically occur. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. NMFS' determination in reflection of the data discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales will generally result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5403, January 19, 2021).

In past authorizations, NMFS has often addressed situations involving the low likelihood of encountering a rare species such as killer whales in the GOM through authorization of take of a single group of average size (*i.e.*, representing a single potential encounter). See 83 FR 63268, December 7, 2018. See also 86 FR 29090, May 28, 2021 and 85 FR 55645, September 9, 2020. For the reasons expressed above, NMFS determined that a single encounter of killer whales is more likely than the model-generated estimates and has authorized take associated with a single group encounter (*i.e.*, up to seven animals).

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See table 1 in this notice and table 9 of the rule (86 FR 5322, January 19, 2021).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed "small numbers." In short, when an acceptable estimate of the individual marine mammals taken is available, if

³ The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.*, 2021).

⁴ However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see NMFS' discussion of the MMPA's small numbers requirement provided in the final rule (86 FR 5438, January 19, 2021).

The take numbers for authorization are determined as described above in the Summary of Request and Analysis section. Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as

compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than one day (see 86 FR 5404, January 19, 2021). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS' small numbers determinations, as depicted in table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5391, January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR;

www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.*, 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take ¹	Abundance ²	Percent abundance
Rice's whale ³	0	n/a	51	n/a
Sperm whale	733	310	2,207	14.0
<i>Kogia</i> spp	4,320	96	4,373	2.7
Beaked whales	4,263	431	3,768	11.4
Rough-toothed dolphin	762	219	4,853	4.5
Bottlenose dolphin	1,807	519	176,108	0.3
Clymene dolphin	2,077	596	11,895	5.0
Atlantic spotted dolphin	718	206	74,785	0.3
Pantropical spotted dolphin	14,864	4,266	102,361	4.2
Spinner dolphin	1,533	440	25,114	1.8
Striped dolphin	941	270	5,229	5.2
Fraser's dolphin	285	82	1,665	4.9
Risso's dolphin	476	141	3,764	3.7
Melon-headed whale	1,352	399	7,003	5.7
Pygmy killer whale	482	142	2,126	6.7
False killer whale	621	183	3,204	5.7
Killer whale	7	n/a	267	2.6
Short-finned pilot whale	254	75	1,981	3.8

¹ Scalar ratios were applied to "Authorized Take" values as described at 86 FR 5322 at 5404 (January 19, 2021) to derive scaled take numbers shown here.

² Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For Rice's whale and killer whale, the larger estimated SAR abundance estimate is used.

³ The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.*, 2021).

⁴ Includes 21 takes by Level A harassment and 299 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

Based on the analysis contained herein of Shell's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for

the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Shell authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: May 7, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024-10303 Filed 5-10-24; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD876]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of issuance of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico (GOM), notification is hereby given that a Letter of Authorization (LOA) has been issued to Anadarko Petroleum Corporation (Anadarko) for the take of marine mammals incidental to geophysical survey activity in the GOM.

DATES: The LOA is effective from May 15, 2024, through November 15, 2024.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico>. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Rachel Wachtendonk, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: any act of pursuit, torment, or annoyance which: (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively "industry operators"), in U.S. waters of the GOM over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

Summary of Request and Analysis

Anadarko plans to conduct a zero offset vertical seismic profile (VSP) within Mississippi Canyon Block MC-216. The survey area has water depths of approximately 1,875 meters (m). Anadarko plans to use either a 12-element, 2,400 cubic inch (in³) airgun array, or a 6-element, 1,500 in³ airgun array. The survey is planned to occur for up to 3 days in May 2024. Please see Anadarko's application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by Anadarko in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5322, January 19, 2021). In order to generate the appropriate take number for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone¹); (3) number of days; and (4) season.² The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No VSP surveys were included in the modeled survey types, and use of existing proxies (*i.e.*, two-dimensional (2D), three-dimensional narrow azimuth (3D NAZ), 3D wide-azimuth (WAZ), Coil) is generally conservative for use in evaluation of VSP survey effort.

Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29212, June 22, 2018). Coil was selected as the best available proxy survey type because the spatial coverage of the planned survey is most similar to that associated with the coil survey pattern.

For the planned survey, the seismic source array will be deployed from a drilling rig at or near the borehole, with the seismic receivers (*i.e.*, geophones) deployed in the borehole on wireline at specified depth intervals. The coil survey pattern in the model was assumed to cover approximately 144 kilometers squared (km²) per day (compared with approximately 795 km², 199 km², and 845 km² per day for the 2D, 3D NAZ, and 3D WAZ survey patterns, respectively). Among the different parameters of the modeled survey patterns (*e.g.*, area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Because Anadarko's planned survey is expected to cover no additional area as a stationary source, the coil proxy is most representative of the effort planned by Anadarko in terms of predicted Level B harassment.

In addition, all available acoustic exposure modeling results assume use of a 72-element, 8,000 in³ array. Thus, estimated take numbers for this LOA are

¹ For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

² For purposes of acoustic exposure modeling, seasons include winter (December–March) and summer (April–November).

considered conservative due to the differences in both the airgun array (maximum of 12 elements and 2,400 in³), and in daily survey area planned by Anadarko (as mentioned above), as compared to those modeled for the rule.

The survey is planned to occur in zone 5 during summer.

For some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. This can result in unrealistic projections regarding the likelihood of encountering particularly rare species and/or species not expected to occur outside particular habitats. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, our rule acknowledged that other information could be considered (see, e.g., 86 FR 5322, January 19, 2021, discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate for Rice's whales and killer whales produces results inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates for those species as described below.

NMFS' final rule described a "core habitat area" for Rice's whales (formerly known as GOM Bryde's whales)³ located in the northeastern GOM in waters between 100 and 400 m depth along the continental shelf break (Rosel *et al.*, 2016). However, whaling records suggest that Rice's whales historically had a broader distribution within similar habitat parameters throughout the GOM (Reeves *et al.*, 2011; Rosel and Wilcox, 2014). In addition, habitat-based density modeling has identified

similar habitat (*i.e.*, approximately 100–400 m water depths along the continental shelf break) as being potential Rice's whale habitat (Roberts *et al.*, 2016; Garrison *et al.*, 2023), and Rice's whales have been detected within this depth band throughout the GOM (Soldevilla *et al.*, 2022, 2024). See discussion provided at, e.g., 83 FR 29228, June 22, 2018; 83 FR 29280, June 22, 2018; 86 FR 5418, January 19, 2021.

Although Rice's whales may occur outside of the core habitat area, we expect that any such occurrence would be limited to the narrow band of suitable habitat described above (*i.e.*, 100–400 m) and that, based on the few available records, these occurrences would be rare. Anadarko's planned activities will occur in water depths of approximately 1,875 m in the central GOM. Thus, NMFS does not expect there to be the reasonable potential for take of Rice's whale in association with this survey and, accordingly, does not authorize take of Rice's whale through the LOA.

Killer whales are the most rarely encountered species in the GOM, typically in deep waters of the central GOM (Roberts *et al.*, 2015; Maze-Foley and Mullin, 2006). As discussed in the final rule, the density models produced by Roberts *et al.* (2016) represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few data, as indicated by the coefficient of variation associated with the abundance predicted by the model (0.41, the second-highest of any GOM species model; Roberts *et al.*, 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species (as discussed above) and expressed that, due to the limited data available to inform the model, it "should be viewed cautiously" (Roberts *et al.*, 2015).

NOAA surveys in the GOM from 1992 to 2009 reported only 16 sightings of killer whales, with an additional 3 encounters during more recent survey effort from 2017 to 2018 (Waring *et al.*, 2013; <https://www.boem.gov/gommapps>). Two other species were also observed on fewer than 20 occasions during the 1992–2009 NOAA surveys (Fraser's dolphin and false killer whale).⁴ However, observational data collected by protected species observers (PSOs) on industry

geophysical survey vessels from 2002 to 2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69 occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002–2008 and 2009–2015). This information qualitatively informed our rulemaking process, as discussed at 86 FR 5322 and 86 FR 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounter during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia spp.* or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor affecting detectability of killer whales from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that killer whales spent 78 percent of their time at depths between 0 and 10 m. Similarly, Kvadsheim *et al.* (2012) reported data from a study of 4 killer whales, noting that the whales performed 20 times as many dives 1–30 m in depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water. This survey would take place in deep waters that would overlap with depths in which killer whales typically occur. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. In addition, as noted above in relation to the general take estimation methodology, the assumed proxy source (72-element, 8,000-in³ array) results in a significant overestimate of the actual

³ The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.*, 2021).

⁴ However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

potential for take to occur. NMFS' determination in reflection of the information discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales will generally result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5322, January 19, 2021; 86 FR 5403, January 19, 2021). In this case, use of the acoustic exposure modeling produces an estimate of one killer whale exposure. Given the foregoing, it is unlikely that any killer whales would be encountered during this at most 3-day survey, and accordingly no take of killer whales is authorized through this LOA.

In addition, in this case, use of the exposure modeling produces results that are smaller than average GOM group sizes for one species (Maze-Foley and Mullin, 2006). NMFS' typical practice in such a situation is to increase exposure estimates to the assumed average group size for a species in order to ensure that, if the species is encountered, exposures will not exceed the authorized take number. However, other relevant considerations here lead to a determination that increasing the estimated exposures to the average group size would likely lead to an overestimate of actual potential take. In this circumstance, the very short survey duration (maximum of 3 days) and

relatively small Level B harassment isopleths produced through use of the (at most) 12-element, 2,400-in³ airgun array (compared with the modeled 72-element, 8,000 in³ array) mean that it is unlikely that certain species would be encountered at all, much less that the encounter would result in exposure of a greater number of individuals than is estimated through use of the exposure modeling results. As a result, in this case NMFS has not increased the estimated exposure values to assumed average group size in authorizing take.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations for the affected species or stocks of marine mammals. See table 1 in this notice and table 9 of the rule (86 FR 5322, January 19, 2021).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed "small numbers." In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine

mammals taken of a species or stock are small. For more information please see NMFS' discussion of the MMPA's small numbers requirement provided in the final rule (86 FR 5322, January 19, 2021; 86 FR 5438, January 19, 2021).

The take numbers for authorization, which are determined as described above, are used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5322, January 19, 2021 and 86 FR 5391, January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM>). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.*, 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take ^a	Abundance ^b	Percent abundance
Rice's whale	0	51	n/a
Sperm whale	79	2,207	3.6
<i>Kogia</i> spp.	^c 29	4,373	0.7
Beaked whales	338	3,768	9.0
Rough-toothed dolphin	58	4,853	1.2
Bottlenose dolphin	267	176,108	0.2
Clymene dolphin	160	11,895	1.3
Atlantic spotted dolphin	110	74,785	0.1
Pantropical spotted dolphin	726	102,361	0.7
Spinner dolphin	195	25,114	0.8
Striped dolphin	62	5,229	1.2
Fraser's dolphin	^d 19	1,665	1.1
Risso's dolphin	47	3,764	1.2
Melon-headed whale	109	7,003	1.6
Pygmy killer whale	25	2,126	1.2
False killer whale	40	3,204	1.3
Killer whale	0	267	n/a
Short-finned pilot whale	32	1,981	1.6

^a Scalar ratios were not applied in this case due to brief survey duration.

^b Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For Rice's whale and killer whale, the larger estimated SAR abundance estimate is used.

^c Includes 2 takes by Level A harassment and 27 takes by Level B harassment.

^d Modeled exposure estimate less than assumed average group size (Maze-Foley and Mullin, 2006).

Based on the analysis contained herein of Anadarko's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Anadarko authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: May 6, 2024

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024–10417 Filed 5–10–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD954]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its Education Committee (EC) and Social Science Planning Committee (SSPC) meetings to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The EC meeting will be held on May 29, 2024, from 1 p.m. to 4 p.m., Hawaii Standard Time (HST). The SSPC meeting will be held on May 30, 2024, from 12 p.m. to 4 p.m., HST. See **SUPPLEMENTARY INFORMATION** for the agenda.

ADDRESSES: The EC meeting will be held by web conference via Webex.

The SSPC meeting will be held as a hybrid meeting for SSPC members and the public, with a remote participation option available via Webex. In-person

attendance will be hosted at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

Instructions for connecting to the web conference and providing oral public comments will be posted on the Council website at www.wpcouncil.org. For assistance with the web conference connection, contact the Council office at (808) 522–8220.

FOR FURTHER INFORMATION CONTACT:

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: A public comment period will be provided in the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Agenda for the EC Meeting

Wednesday, May 29, 2024, 1 p.m. to 4 p.m., HST

1. Welcome and Introductions
2. Review of the Last Education Committee Recommendations and Meeting
 - A. Council Education Committee Memorandum of Understanding Update
 - B. Working Group Reports
 - i. Input on Education Initiatives in Council 2025–2028 Program Plan
 - ii. Incorporate Fisheries Science into K–12 and Higher Education Classrooms
 - iii. Review Course Articulation Agreements Between 2-year and 4-year Higher Education Programs
 - C. Marine Resource Education Program in Pacific Islands Update
3. Council 2025–2028 Program Plan Update
4. Other Business
5. Public Comment
6. Discussion and Recommendations

Agenda for the SSPC Meeting

Thursday, May 30, 2024, 12 p.m. to 4 p.m., HST

1. Welcome and Introductions
2. Approval of Agenda
3. Annual Stock Assessment and Fishery Evaluation Reports
 - A. Socioeconomic Modules 2023 Report Updates
 - B. Fisher Observations
4. Review of Draft 2025–2029 Magnuson-Stevens Fishery Conservation and Management Act Research Priorities
5. Social, Economic, Ecological, and Management Process Review
6. Project Updates
7. Other Business
8. Public Comment

9. Discussion and Recommendations

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: May 8, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–10391 Filed 5–10–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD900]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Revolution Wind Offshore Wind Energy Project Offshore of Rhode Island

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

ACTION: Notice; modification of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Construction of the Revolution Wind Project Offshore of Rhode Island, notification is hereby given that upon request from Revolution Wind, LLC (Revolution Wind), NMFS has modified a Letter of Authorization (LOA) issued to Revolution Wind for the take of marine mammals incidental to activities associated with construction of the Revolution Wind Offshore Wind Energy Project (hereafter known as the "Project") in Federal and State waters offshore Rhode Island. Specifically, NMFS has removed the requirement that each real-time passive acoustic monitoring (PAM) data stream must be monitored by separate PAM operators. NMFS has determined that this modification to the aforementioned monitoring requirement does not change the findings made for the regulations and does not result in any change in the total estimated number of takes of marine mammals.

DATES: The modified LOA is valid through November 19, 2028.

ADDRESSES: The issued modified LOA may be obtained online at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-revolution-wind-llc-construction-revolution-wind-energy>.

FOR FURTHER INFORMATION CONTACT: Carter Esch, 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 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, regulations are promulgated (when applicable), and public notice and an opportunity for public comment are provided.

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). If such findings are made, 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 such species or stocks for taking for certain subsistence uses (referred to as “mitigation”); and requirements pertaining to the monitoring and reporting of such takings.

NMFS promulgated a final rule in the **Federal Register** on October 20, 2023 (88 FR 72562), which governs the incidental take of marine mammals incidental to Revolution Wind’s construction of the Project in Federal and State waters offshore Rhode Island, specifically within the Bureau of Ocean Energy Management (BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Lease Area OCS-A-0486 and along two export cable routes to sea-to-shore transition points. The rule became effective on November 20, 2023, and is valid through November 19, 2028. The

regulations allow NMFS to approve requests for modification to the LOA’s specified activity or the mitigation, monitoring, or reporting measures if NMFS determines the requested change does not change the findings made for promulgation of the regulations and does not result in more than a minor change in the total estimated number of takes (see 50 CFR 217.277(b)).

NMFS issued a LOA to Revolution Wind on November 20, 2023, and published a notice of issuance in the **Federal Register** on November 27, 2023 (88 FR 82834). The LOA authorized Revolution Wind to take, by harassment, marine mammals incidental to specified construction activities, specifically impact pile driving of wind turbine generator and offshore substation monopile foundations, UXO/MEC detonations, vibratory pile driving of cofferdams and goal posts, pneumatic hammering of casing pipes, and high-resolution geophysical vessel-based site characterization surveys, within the specified geographical region.

Summary of Request and Analysis

On March 7, 2024, NMFS received a request from Revolution Wind to remove the “per acoustic data stream” requirement from LOA measure 4(c)(2) (“Concurrently, at least one PAM operator per acoustic data stream (equivalent to the number of acoustic buoys) must be actively monitoring for marine mammals. . .”). Revolution Wind requested other LOA modifications in their March letter; however, NMFS is not making these modifications at this time because solutions to the challenges have been identified. In support of its acoustic data stream request, Revolution Wind cited challenges that had not adequately been considered prior to promulgation of the regulations. Specifically, Revolution Wind cited limited vessel space, the financial burden of employing multiple PAM operators, and the limited pool of qualified candidates as concerns associated with the need to maintain a rotation of four on-duty PAM operators. The regulations and LOA allow for PAM operators to monitor from a shoreside location; however, the PAM system Revolution Wind is using is configured such that PAM operators must be located on the foundation installation vessel. Moreover, Revolution Wind highlighted that some functionalities of the PAM software planned for use (e.g., the ability to localize on the position of an acoustic detection) are optimized when a single PAM operator evaluates the software data products for all acoustic buoy data streams rather than having multiple PAM operators view

separate data streams. NMFS’ evaluation indicated that the requested modification would alleviate concerns that were not fully considered by Revolution Wind previously while also allowing for potential improvement in localization efficacy. NMFS expects PAM operators to acoustically detect marine mammals within the applicable zones with the same level of efficacy and in accordance with a NMFS-approved PAM Plan. Furthermore, NMFS did not incorporate mitigation and monitoring measures, other than 10-decibel sound attenuation and seasonal restrictions, into the estimated take analysis. Therefore, NMFS has determined that the requested modification of measure 4(c)(2) does not change the findings made for the regulations and does not result in changes in the total estimated take numbers.

NMFS has removed the language requiring that each acoustic data stream must be monitored by a separate PAM operator from the modified LOA. The modified LOA specifies that at least one on-duty PAM operator must monitor acoustic data streams prior to, during, and following foundation installations.

Authorization

NMFS has issued a modified LOA to Revolution Wind authorizing the take, by harassment, of small numbers of marine mammals incidental to specified construction activities associated with the Project, which includes the modified monitoring measure discussed herein.

Dated: May 6, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024–10419 Filed 5–10–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Approval of a Boundary Expansion for the South Slough National Estuarine Research Reserve

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of approval; notice of availability.

SUMMARY: In accordance with the Coastal Zone Management Act and its implementing regulations, notice is

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of

marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance which: (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively “industry operators”), in U.S. waters of the GOM over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on

marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS issued an LOA to Anadarko on January 4, 2024, for the take of marine mammals incidental a one-dimensional vertical seismic profile (VSP) within Mississippi Canyon Block MC-40, effective January 15, 2024 through May 15, 2024. Please see the **Federal Register** notice of issuance (89 FR 1550, January 10, 2024) for additional detail regarding the LOA and the survey activity.

Anadarko initially anticipated that the activity would occur at some point between January 15 and May 15, 2024. Anadarko subsequently conveyed to NMFS that the survey would occur later than previously expected. Anadarko has requested modification to the expiration date of the LOA (from May 15, 2024 to July 15, 2024) to accommodate the survey delays. Since issuance of the LOA, no survey work has occurred. There are no other changes to the LOA as described in the January 10, 2024, **Federal Register** notice of issuance (89 FR 1550): the specified survey activity; estimated take by incidental harassment; and small numbers analysis and determination remain unchanged and are incorporated here by reference.

Authorization

NMFS has changed the expiration date of the LOA from May 15, 2024, to July 15, 2024.

Dated: May 6, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024–10305 Filed 5–10–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Protocol for Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 30, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Protocol for Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank.

OMB Control Number: 0648–0468.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 25.

Average Hours per Response: 3 hours for tissue request form and 45 minutes for tissue bank form.

Total Annual Burden Hours: 105 hours.

Needs and Uses: The purpose of this collection of information is to enable the National Oceanic and Atmospheric Administration (NOAA) to allow the scientific community the opportunity to request tissue specimen samples from the National Marine Mammal Tissue Bank (NMMTB), as well as for tissue samples to be submitted. This information collection is being renewed to enable the Marine Mammal Health and Stranding Response Program (MMHSRP) of NOAA to assemble information on all specimens submitted to the National Institute of Standards and Technology's National Biomonitoring Specimen Bank (Bank), which includes the NMMTB.

Affected Public: Not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

Legal Authority: Under 16 U.S.C.

1421f section 407(d)(1) of the Marine Mammal Protection Act.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0468.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–10287 Filed 5–10–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Public Search Facility User ID and Badging

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0041 (Public Search Facility User ID and Badging). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before July 12, 2024.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business

Information or otherwise sensitive or protected information.

- *Email:* InformationCollection@uspto.gov. Include "0651–0041 comment" in the subject line of the message.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>.

- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Chad Hyland, Director, Security Division, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–2978; or by email at Chad.Hyland@uspto.gov with "0651–0041 comment" in the subject line. Additional information about this information collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C 41(i)(1) to maintain a Public Search Facility to make publicly accessible USPTO patent and trademark collections for search and retrieval. The Public Search Facility is located in a publicly accessible portion of USPTO headquarters in Alexandria, Virginia, and offers the public access to the collection's paper, microfilm, and electronic files and trained staff to assist users with searches.

This information collection covers the application used to establish, renew, or replace security identification badges issued to members of the public who wish to access the Public Search Facility. Users can apply for a security badge in-person at the USPTO Security Office by providing the necessary information and presenting a valid form of photo identification. The issued security badges include a color photograph of the user and must be worn at all times while within the USPTO facility. Issued badges are valid for one year and can be renewed at no cost. Lost badges can be replaced at a cost of \$15. Public users are not required to obtain a security identification badge to access the Public Search Facility. Alternatively, public users can fill out a visitor badge request upon visiting the library. The process for obtaining a visitor badge is exempt from the Paperwork Reduction Act

(PRA). The visitor badge must be turned in each time the user leaves the library. Re-entry requires obtaining a new visitor badge. However, using a security identification badge issued to a public user allows that individual to leave and re-enter the library without needing to obtain a visitor badge. Public users only need to obtain either the visitor badge or a security identification badge to enter the Public Search Facility; they do not need both simultaneously.

Previously, the Public Search Facility collected information from the public to establish and maintain accounts for online access to USPTO resources and to register the public for user trainings. Instead of using unique accounts for the Public Search Facility, access is now automatically provided through MyUSPTO accounts. Registrations for training are no longer required as trainings are now provided on demand, via self-service online platforms. As a result, the USPTO is removing the information collection lines for online access accounts and user training registration from this information collection as a part of this renewal.

II. Method of Collection

Items in this information collection must be submitted in writing and in person at the USPTO Security Office.

III. Data

OMB Control Number: 0651–0041.

Forms:

- PTO Form 2030 (Application for Public User ID)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Individuals or households.

Respondent's Obligation: Required to obtain or retain benefits.

Estimated Number of Annual Respondents: 60 respondents.

Estimated Number of Annual Responses: 60 responses.

Frequency: On occasion.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 5 minutes (0.08 hours) to complete. This includes the time to gather the necessary information, prepare the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 6 hours.

Estimated Total Annual Respondent Hourly Cost Burden: \$1,710.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO INDIVIDUAL AND HOUSEHOLD RESPONDENTS

Item No.	Item	Estimated annual respondents	Responses per respondent	Estimated annual responses	Estimated time for response (hours)	Estimated burden (hour/year)	Rate ¹ (\$/hour)	Estimated annual respondent cost burden
		(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)	(f)	(e) × (f) = (g)
1	Application for Public User ID PTO Form 2030.	60	1	60	0.08 (5 minutes)	6	\$285	\$1,170
Totals ..	.....	60	.....	60	.....	6	.....	1,710

¹ A combined rate for attorneys and paralegals/paraprofessionals is used for the security badge items. The USPTO uses the average billing rate for intellectual property work in all firms which is \$447 per hour (<https://www.aipla.org/home/news-publications/economic-survey>. 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F-41.). The USPTO uses the average billing rate for paralegals/paraprofessionals, which is \$122 per hour (<https://nala.org/paralegal-info/>). 2022 National Utilization and Compensation Survey Report published by the National Association of Legal Assistants (NALA); pg. 38.

Estimated Total Annual Respondent Non-hourly Cost Burden: \$75. There are no capital start-up, maintenance costs, recordkeeping costs, or postage

associated with this information collection. However, the USPTO estimates that the total annual non-hour cost burden in this information

collection, in the form of filing fees, is \$75.

Filing Fees

TABLE 2—FILING FEES

Item No.	Item	Estimated annual responses	Filing fee (\$)	Non-hourly cost burden
		(a)	(b)	(a) × (b) = (c)
1	Replace Security Identification Badges for Public Users	5	\$15	\$75
Totals	.....	5	.....	75

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the Agency’s estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made

publicly available at any time. While you may ask in your comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,
Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.
[FR Doc. 2024–10396 Filed 5–10–24; 8:45 am]
BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Summer Teacher Institute (NSTI) and Master Teacher in Intellectual Property Program (MTIP)

AGENCY: Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension of an existing information collection: 0651–0077 (National

Summer Teacher Institute (NSTI) and Master Teacher in Intellectual Property Program (MTIP)). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before July 12, 2024.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email:* InformationCollection@uspto.gov. Include “0651–0077 comment” in the subject line of the message.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to Joyce Ward, Education Director, Office of Public Engagement, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8424; or by email

at Joyce.Ward@uspto.gov with “0651–0077 comment” in the subject line. Additional information about this information collection is also available at <http://www.reginfo.gov> under “Information Collection Review.”

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) conducts the National Summer Teacher Institute (NSTI) on Innovation, STEM, and Intellectual Property. This program, which focuses on innovation, STEM, entrepreneurship, and intellectual property, is offered in support of USPTO’s ongoing education and outreach programming and Department of Commerce Innovation initiatives. The Institute, launched in 2014, is part of the USPTO’s ongoing efforts to foster innovation, competitiveness and economic growth, domestically and abroad, by providing relevant intellectual property, innovation, and invention education resources to school administrators, teachers, students, and parents.

In 2023, USPTO introduced the Master Teacher in Intellectual Property Program (MTIP) to align and support the USPTO’s mission to foster innovation, competitiveness, domestic and international economic growth, and deliver invention IP training to educators across the nation. The MTIP builds a network of qualified NSTI participants and intellectual property educators and enable them to become teacher-leaders. These teacher leaders in turn provide professional development to U.S. educators who seek to learn more about invention and IP education. MTIP teacher-leaders share USPTO resources and practical classroom experience they learned through their implementation of lessons learned at the NSTI.

USPTO facilitates the enhancement of internal and external relations, including stakeholder partnerships and collaborations, and support for Government-wide efforts to promote STEM education initiatives. In order to obtain a broad range of participants for the NSTI and MTIP, the USPTO must collect data related to courses taught, teaching experience, and school district demographics.

Both NSTI and MTIP combine experiential training tools, practices, and project-based learning models to support elementary, middle, and high school teachers in incorporating concepts of making, inventing, entrepreneurship, and innovation into classroom instruction. Recent focuses include the creation and protection of intellectual property; including inventions, knowledge discovery, creative ideas, and expressions of the human mind that may have commercial value and are protectable under patent, trademark, copyright, or trade secret laws. Intellectual property is modeled as both a teaching and learning platform to help inspire and motivate student achievement in science, technology, engineering, and mathematics.

This information collection covers data gathered from applicants and participants in the NSTI and MTIP programs. The USPTO gathers this information from program applications, and participant surveys, workshops, and webinars. The application collects data which the USPTO uses to determine who will be accepted into the respective programs. The participant survey is used to gather feedback from participants for future program enhancements, while the webinar survey allows the USPTO to understand the particular needs and interests of participants.

To account for the recent addition of the MTIP program, the name of this

information collection has been changed from “National Summer Teacher Institute” to “National Summer Teacher Institute (NSTI) and Master Teacher in Intellectual Property Program (MTIP)”.

II. Method of Collection

Items in this information collection must be submitted electronically.

III. Data

OMB Control Number: 0651–0077.

Forms:

- PTO/NSTI/001 (NSTI Application)
- PTO/NSTI/002 (NSTI Participant Survey)
- PTO/NSTI/003 (NSTI Webinar Survey)
- PTO/MTIP/001 (MTIP Application)
- PTO/MTIP/002 (MTIP Participant Survey)
- PTO/MTIP/003 (MTIP Webinar Survey)

Type of Review: Extension of a currently approved information collection.

Affected Public: Individuals or households.

Respondent’s Obligation: Voluntary.

Estimated Number of Annual Respondents: 14,000 respondents.

Estimated Number of Annual Responses: 27,400 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately between 8 minutes (0.13 hours) and 30 minutes (0.5 hours) to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 5,998 hours.

Estimated Total Annual Respondent Hourly Cost Burden: \$200,334.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO INDIVIDUAL OR HOUSEHOLD RESPONDENTS

Item No.	Item	Estimated annual respondents	Responses per respondent	Estimated annual responses	Estimated time for response (hour)	Estimated annual burden (hour/year)	Rate ¹ (\$/hour)	Estimated annual respondent cost burden
		(a)	(b)	(a) × (b) = (c)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)
1	NSTI Application (PTO/NSTI/001) ..	2,100	1	2,100	0.50 (30 minutes)	1,050	\$33.40	\$35,070
1	NSTI Application (PTO/NSTI/001) ..	* 900	1	900	0.50 (30 minutes)	450	33.40	15,030
2	NSTI Participant Survey (PTO/NSTI/002).		1	900	0.25 (15 minutes)	225	33.40	7,515
3	NSTI Webinar Survey (PTO/NSTI/003).		2	1,800	0.13 (8 minutes)	234	33.40	7,816
3	NSTI Webinar Survey (PTO/NSTI/003).	4,000	2	8,000	0.13 (8 minutes)	1,040	33.40	34,736
4	MTIP Application (PTO/MTIP/001)	2,100	1	2,100	0.50 (30 minutes)	1,050	33.40	35,070
4	MTIP Application (PTO/MTIP/001)	** 900	1	900	0.50 (30 minutes)	450	33.40	15,030
5	MTIP Participant Survey (PTO/MTIP/002).		1	900	0.25 (15 minutes)	225	33.40	7,515
6	MTIP Webinar/Workshop Survey (PTO/MTIP/003).		2	1,800	0.13 (8 minutes)	234	33.40	7,816

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO INDIVIDUAL OR HOUSEHOLD RESPONDENTS—Continued

Item No.	Item	Estimated annual respondents	Responses per respondent	Estimated annual responses	Estimated time for response (hour)	Estimated annual burden (hour/year)	Rate ¹ (\$/hour)	Estimated annual respondent cost burden
		(a)	(b)	(a) × (b) = (c)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)
6	MTIP Webinar/Workshop Survey (PTO/MTIP/003).	4,000	2	8,000	0.13 (8 minutes)	1,040	33.40	34,736
Totals		14,000	.....	27,400	.....	5,998	.....	200,334

¹ The USPTO expects that secondary schoolteachers will complete the applications and surveys. The professional hourly rate for secondary school teachers is \$33.40, as found in the May 2022 Occupational Labor Statistics Report for secondary school teachers (25–2031). The hourly rate is based on the mean annual wage (\$69,480), divided by 2,080 (the average annual work hours based on a 40-hour work week); <https://www.bls.gov/oes/current/oes252031.htm>.
* Respondents for these three lines are individuals who are selected to participate in the NSTI Program or its equivalent. These respondents are distinct from applicants who are not accepted into the program and those who may attend program webinars or workshops.
** Respondents for these three lines are individuals who are selected to participate in the MTIP Program. These respondents are distinct from applicants who are not accepted into the program and those who may attend program webinars or workshops.

Estimated Total Annual Respondent Non-hourly Cost Burden: \$0. There are no capital start-up, maintenance costs, recordkeeping costs, filing fees, or postage costs associated with this information collection.

IV. Request for Comments

- The USPTO is soliciting public comments to:
- (a) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
 - (b) Evaluate the accuracy of the Agency’s estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
 - (c) Enhance the quality, utility, and clarity of the information to be collected; and
 - (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other

personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,
Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.
[FR Doc. 2024–10399 Filed 5–10–24; 8:45 am]
BILLING CODE 3510–16–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: Wednesday, May 9, 2024—9 a.m.
PLACE: Meeting will be held remotely.
STATUS: Commission Meeting—Closed to the Public
MATTERS TO BE CONSIDERED: *Meeting Matter:* Briefing Matter.
CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, 301–504–7479 (Office) or 240–863–8938 (Cell).

Dated: May 8, 2024.
Alberta Mills,
Commission Secretary.
[FR Doc. 2024–10479 Filed 5–9–24; 11:15 am]
BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–15]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).
ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697–9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22–15 with attached Policy Justification and Sensitivity of Technology.

Dated: May 8, 2024.
Aaron T. Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

February 22, 2022

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-15, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$122 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

for 
 James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 22-15

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$ 34 million
Other	\$ 88 million
TOTAL	\$122 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Australia has requested the possible sale of AN/AAQ 24(V)N Large Aircraft Infrared Countermeasures (LAIRCM) component systems required to support an ongoing upgrade of its large Air Mobility Platforms, which include C-17As, KC-30As, and C-130Js.
Major Defense Equipment (MDE):
 Twenty-seven (27) AN/AAQ 24(V)N

Large Aircraft Infrared Countermeasures (LAIRCM) System Processor Replacements (LSPR) (27 installed, 0 spares)

Thirty (30) Guardian Laser Turret Assemblies (GLTA) (30 installed, 0 spares)

Non-MDE:

Also included are LAIRCM Control Indicator Unit Replacements (CIURs); Advanced Threat Missile Warning Sensors (ATWs); Smart

Card Assemblies (SCAs); High Capacity Cards/User Data Memory Cards (HCCs/UDMs) (installed and spares); Simple Key Loaders; initial spares, consumables, and repair/return support; support and test equipment; integration and test support; personnel training, publications and technical documentation; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department: Air Force (AT-D-BAA)*

(v) *Prior Related Cases, if any: AT-D-QCR, AT-D-QAE, AT-D-QCS, AT-D-SAQ, AT-D-SEN, AT-D-SGT*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*

(viii) *Date Report Delivered to Congress: February 22, 2022*

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—LAIRCM Line Replaceable Units (LRUs)

The Government of Australia has requested the possible sale of AN/AAQ 24(V)N Large Aircraft Infrared Countermeasures (LAIRCM) component systems required to support an ongoing upgrade of its large Air Mobility Platforms, which include C-17As, KC-30As, and C-130Js. As such, the Government of Australia has requested to buy twenty-seven (27) AN/AAQ 24(V)N Large Aircraft Infrared Countermeasures (LAIRCM) System Processor Replacements (LSPR) (27 installed, 0 spares); and thirty (30) Guardian Laser Turret Assemblies (GLTA) (30 installed, 0 spares). Also included are LAIRCM Control Indicator Unit Replacements (CIURs); Advanced Threat Missile Warning Sensors (ATWs); Smart Card Assemblies (SCAs); High Capacity Cards/User Data Memory Cards (HCCs/UDMs) (installed and spares); Simple Key Loaders; initial spares, consumables, and repair/return support; support and test equipment; integration and test support; personnel training, publications and technical documentation; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The estimated total value is \$122 million.

This proposed sale will support the foreign policy and national security

objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Australia's capability to meet current and future threats by providing modern protection for large air mobility platforms. These countermeasures are crucial to defeating modern threats. Australia will have no difficulty absorbing these articles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Northrup Grumman Corporation, Rolling Meadows, IL; and The Boeing Company, Long Beach, CA, and San Antonio, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of 0.5 Full-Time Equivalent (FTE) additional U.S. Government representatives and 0.5 FTE U.S. contractor representatives to support Australia from the U.S. for a duration of five (5) years to support program management and engineering activities necessary to field and sustain LAIRCM on multiple Royal Australian Air Force platforms.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-15

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AN/AAQ-24(V)N LAIRCM system is a self-contained, directed-energy countermeasures system designed to protect aircraft from infrared-guided surface-to-air missiles. The LAIRCM system features digital technology micro-miniature solid-state electronics. The system operates in all conditions, detecting incoming missiles and jamming infrared-seeker equipped missiles with aimed bursts of laser energy. The LAIRCM system consists of the Guardian Laser Transmitter Assembly (GLTA), LAIRCM System Processor Replacement (LSPR), multiple Advanced Threat Missile Warning Sensors (ATW), the Control Interface

Unit Replacement (CIUR), and the Classified Memory Card User Data Module. The AN/PYQ-10 Simple Key Loader is also a necessary device.

2. The Guardian Laser Transmitter Assembly (GLTA) is a laser transmitter pointer/tracker subsystem designed to track the inbound threat missile and point the laser jam source at the missile's seeker. The GLTA automatically deploys the countermeasure.

3. The LAIRCM System Processor Replacement (LSPR) analyzes the data from each Missile Warning Sensor and automatically deploys the appropriate countermeasure via the GLTA. The LSPR contains Built-in-Test (BIT) circuitry.

4. The AN/PYQ-10 Simple Key Loader is a portable, hand-held device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

5. The Advanced Threat Missile Warning Sensors (ATW) detect and declare threat missiles. The sensors are mounted on the aircraft exterior to provide omni-directional protection. The sensors detect the rocket plume of missiles and send appropriate data signals to the LSPR for processing.

6. The Control Interface Unit Replacement (CIUR) displays the incoming threat for the pilot to take appropriate action. The CIUR also provides operator interface to program the LAIRCM system to initiate built-in-test (BIT), to display system status, and to provide the crew with bearing to threat missile launch.

7. The Classified Memory Card User Data Module contains the laser jam codes. The Classified Memory Card User Data Module is loaded into the LSPR prior to flight; when not in use, the Classified Memory Card User Data Module is removed from the LSPR and put in secure storage.

8. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

9. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

10. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security

objectives outlined in the Policy Justification.

11. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

[FR Doc. 2024-10387 Filed 5-10-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-0D]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

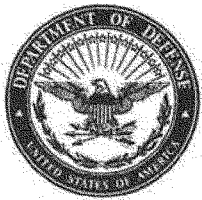
SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22-0D.

Dated: May 8, 2024.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

March 8, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22-0D. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 14-59 of December 11, 2014.

Sincerely,


for James A. Hursch
Director

Enclosures:

1. Transmittal

Transmittal No. 22–0D

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(B)(5)(C), AECA)

(i) *Purchaser*: Government of Greece

(ii) *Sec. 36(b)(1), AECA Transmittal No.*: 14–59

Date: December 11, 2014

Implementing Agency: Army

Funding Source: National Funds

(iii) *Description*: On December 11, 2014, Congress was notified by Congressional certification transmittal number 14–59 of the possible sale under Section 36(b)(1) of the Arms Export Control Act (AECA) of ten (10) CH–47D Model Chinook Helicopters to include twenty-three (23) T55–GA–714A Engines (20 installed and 3 spares), twelve (12) AN/AAR–57 Common Missile Warning System (10 installed and 2 spares), twelve (12) AN/ARC–220 High Frequency (HF) Radios, twelve (12) AN/ARC–186 Very High Frequency (VHF) AM/FM Radios, twelve (12) AN/ARC–164 Ultra High Frequency (UHF)-AM, twelve (12) AN/ARN 123 VOR ILS Marker Beacons, twelve (12) AN/ARN–89 or AN/ARN–149 Direction Finder Sets, twelve (12) AN/ASN–128 Doppler/Global Positioning System Navigation Sets, twelve (12) AN/ARC–201D or AN/ARC–201E VHF FM Homing Radios, twelve (12) AN/APX–118 Transponders, three (3) AN/APX–118A Transponders, twelve (12) AN/APR–39A(V)1 Radar Signal Detecting Sets, mission equipment, communication and navigation equipment, Maintenance Work Orders/Engineering Change Proposals (MWO/ECPs), aircraft hardware and software support, repair and return, spare and repair parts,

publications and technical documentation, support equipment, minor modifications, personnel training and training equipment, U.S. government and contractor technical and engineering support services, and other related elements of logistics and program support. The estimated cost was \$150 million. Major Defense Equipment (MDE) constituted \$57.2 million of this total.

On February 5, 2021, Congress was notified by Congressional certification transmittal number 0D–21, of the possible sale of an additional eight (8) T55–GA–714A engines in support of Greece’s CH–47D helicopter fleet. This addition resulted in an increase in MDE by \$14 million to \$71.2 million. The total estimated case value increased to \$164 million.

This transmittal notifies the addition of a phased maintenance program and follow-on support services for the Hellenic Army’s CH–47 helicopter fleet (non-MDE).

The total MDE value will remain \$71.2 million. The total estimated program value will increase by \$120 million to \$284 million.

(iv) *Significance*: The proposed sale will provide continued maintenance and support to the Hellenic Army’s CH–47 helicopters, which are used for firefighting, search and rescue, disaster relief, humanitarian support, counter-terrorism, and combat operations.

(v) *Justification*: This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally, which is an important partner for political stability and economic progress in Europe.

(vi) *Sensitivity of Technology*: The Sensitivity of Technology Statement contained in the original notification applies to articles and services reported here.

(vii) *Date Report Delivered to Congress*: March 8, 2022

[FR Doc. 2024–10383 Filed 5–10–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–09]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697–9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22–09 with attached Policy Justification and Sensitivity of Technology.

Dated: May 8, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

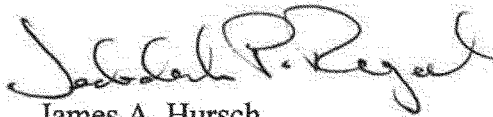
March 15, 2022

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-09, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Spain for defense articles and services estimated to cost \$950 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

for 
 James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 22-09

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Spain

(ii) *Total Estimated Value:*

Major Defense Equipment* \$425 million

Other \$525 million

Total \$950 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Eight (8) MH-60R Multi-Mission

Helicopters

Twenty (20) T-700-GE-401C Engines

(16 installed, 4 spares)

Thirty-two (32) AGM-114R(N)

Hellfire Missiles, All Up Rounds

Two (2) Hellfire II Captive Air

Training Missiles (CATM)

One hundred (100) WGU-59/B

Advanced Precision Kill Weapon

System (APKWS) II Guidance

Sections, All Up Rounds

Eight (8) Link 16 Multifunctional Information Distribution Systems Joint Tactical Radio Systems (MIDS JTRS) (8 installed)

Four (4) Airborne Low Frequency Sonars (ALFS) (4 installed on 4 aircraft)

Non-MDE:

Also included are M514 impulse cartridge/cartridge actuated devices; MJ20 cartridge actuated thruster/cartridge actuated devices; WB53 fire extinguisher cartridge/cartridge actuated devices; CCU-136A/A impulse cartridges; M299 Hellfire missile launchers; GAU-21 crew served guns (including pintle and laser pointer); LAU-61 digital rocket launchers; M152 High Explosive warheads for airborne 2.75 rockets; MK66 MOD 4, 2.75-inch rocket motors; rocket motors, 2.75-inch, MK-66-4 inert; WTU-1B inert warheads (HA23); AN/ARC-210 RT-2036 radios with Communications Security (COMSEC); AN/AAR-47 missile warning systems; AN/SSQ-62F sonobuoys; AN/SSQ-53G sonobuoys; AN/SSQ-36B sonobuoys; SRQ-4 Hawklark radio terminals with Hawklark Crypto Control Modules; AN/APX-123 Identification Friend or Foe (IFF) transponders; AN/ALE-47 dispenser, Electronic Countermeasures; Advanced Data Transfer Systems (ADTS); AN/AAS-44C(V) Multi-Spectral Targeting Systems; Identification Friend or Foe Mode 4/5 Cryptographic Applique, KIV-78; Joint Mission Planning Systems (JMPS); Embedded Global Positioning System/Precise Positioning Service (GPS/PPS)/Inertial Navigation Systems (EGI) with Selective Availability/Anti-Spoofing Module (SAASM); Airborne Low Frequency Sonars (ALFS) (aircraft provisions only for 4 aircraft); AN/ARQ-59 Hawklark radio terminals; Training Simulators/Operational Machine Interface Assistants (ATS/OMIA); tactical operational flight trainer; AN/ALQ-210 Electronic Support Measures (ESM) systems; APS-153(V) multi-mode radars; spare engine containers; spare and repair parts; support and test equipment; communications equipment; ferry support; publications and technical documentation; personnel training and training equipment; United States (U.S.) Government and contractor engineering, technical, and logistics support services; obsolescence engineering,

integration, and test activities required to ensure readiness for the production of the Spanish MH-60R helicopters; and other related elements of logistics and program support.

(iv) *Military Department: Navy (SP-P-SDE)*

(v) *Prior Related Cases, if any: SP-P-SCY, SP-P-SDB, SP-P-GOJ*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*

(viii) *Date Report Delivered to Congress: March 15, 2022*

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Spain—MH-60R Multi-Mission Helicopters with Support

The Government of Spain has requested to buy eight (8) MH-60R Multi-Mission helicopters; twenty (20) T-700-GE-401C engines (16 installed, 4 spares); thirty-two (32) AGM-114R(N) Hellfire missiles, all up rounds; two (2) Hellfire II Captive Air Training Missiles (CATM); one hundred (100) WGU-59/B Advanced Precision Kill Weapon System (APKWS) II Guidance Sections, all up rounds; eight (8) Link 16 Multifunctional Information Distribution Systems Joint Tactical Radio Systems (MIDS JTRS) (8 installed); and four (4) Airborne Low Frequency Sonars (ALFS) (4 installed on 4 aircraft). Also included are M514 impulse cartridge/cartridge actuated devices; MJ20 cartridge actuated thruster/cartridge actuated devices; WB53 fire extinguisher cartridge/cartridge actuated devices; CCU-136A/A impulse cartridges; M299 Hellfire missile launchers; GAU-21 crew served guns (including pintle and laser pointer); LAU-61 digital rocket launchers; M152 High Explosive warheads for airborne 2.75 rockets; MK66 MOD 4, 2.75-inch rocket motors; rocket motors, 2.75-inch, MK-66-4 inert; WTU-1B inert warheads (HA23); AN/ARC-210 RT-2036 radios with Communications Security (COMSEC); AN/AAR-47 missile warning systems; AN/SSQ-62F sonobuoys; AN/SSQ-53G sonobuoys; AN/SSQ-36B sonobuoys; SRQ-4 Hawklark radio terminals with Hawklark Crypto Control Modules; AN/APX-123 Identification Friend or Foe (IFF) transponders; AN/ALE-47 dispenser, Electronic Countermeasures; Advanced Data Transfer Systems (ADTS); AN/AAS-44C(V) Multi-Spectral Targeting Systems;

Identification Friend or Foe Mode 4/5 Cryptographic Applique, KIV-78; Joint Mission Planning Systems (JMPS); Embedded Global Positioning System/Precise Positioning Service (GPS/PPS)/Inertial Navigation Systems (EGI) with Selective Availability/Anti-Spoofing Module (SAASM); Airborne Low Frequency Sonars (ALFS) (aircraft provisions only for 4 aircraft); AN/ARQ-59 Hawklark radio terminals; Training Simulators/Operational Machine Interface Assistants (ATS/OMIA); tactical operational flight trainer; AN/ALQ-210 Electronic Support Measures (ESM) systems; APS-153(V) multi-mode radars; spare engine containers; spare and repair parts; support and test equipment; communications equipment; ferry support; publications and technical documentation; personnel training and training equipment; United States (U.S.) Government and contractor engineering, technical, and logistics support services; obsolescence engineering, integration, and test activities required to ensure readiness for the production of the Spanish MH-60R helicopters; and other related elements of logistics and program support. The total estimated program cost is \$950 million.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a NATO ally which is an important force for political stability and economic progress in Europe.

The proposed sale will improve Spain's capability to meet current and future threats. The MH-60R Multi-Mission Helicopter will provide the capability to perform anti-surface and anti-submarine warfare missions along with the ability to perform secondary missions including vertical replenishment, search and rescue, and communications relay and will bolster the Spanish Navy's ability to support NATO and remain interoperable with the U.S. and the NATO alliance. Spain will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Rotary and Mission Systems, Owego, NY. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale may require the assignment of two (2) contractor representatives to Spain.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–09

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The MH–60R Multi-Mission Helicopter focuses primarily on anti-submarine and anti-surface warfare missions. The MH–60R carries several sensors and data links to enhance its ability to work in a network centric battle group and as an extension of its home ship/main operating base. The mission equipment subsystem consists of the following sensors and subsystems: an acoustics systems consisting of a dipping sonar and sonobuoys, Multi-Mode Radar (MMR) with integral Identification Friend or Foe (IFF) interrogator, Radios with COMSEC, Electronic Support Measures (ESM), Integrated Self-Defense (ISD), and Multi-Spectral Targeting System (MTS). The aircraft processes sensor data onboard, and transmits data via Common Data Link (CDL) (also referred to as Hawklink). The aircraft is night vision compatible. It can carry AGM–114A/B/K/N Hellfire missiles to engage surface and sub-surface targets.

a. The AGM–114 Hellfire missile is an air-to-surface missile with a multimission, multi-target, precision strike capability. The Hellfire can be launched from multiple air platforms and is the primary precision weapon for the United States Army.

b. Advanced Precision Kill Weapon System (APKWS) laser guided rocket to counter the fast attack craft and fast inshore attack craft threat.

c. Communications security (COMSEC) devices contain sensitive encryption algorithms and keying material.

d. Identification Friend or Foe (IFF) (KIV–78) contains embedded security devices containing sensitive encryption algorithms and keying material.

e. GPS/PPS/SAASM—Global Positioning System (GPS) provides a

space-based Global Navigation Satellite System (GNSS) that has reliable location and time information in all weather and at all times and anywhere on or near the earth when and where there is an unobstructed line of sight to four or more GPS satellites. Selective Availability/Anti-Spoofing Module (SAASM) (AN/PSN–11) is used by military GPS receivers to allow decryption of precision GPS coordinates. In addition, the GPS Antenna System (GAS–1) provides protection from enemy manipulation of the GPS system.

f. Acoustics algorithms are used to process dipping sonar and sonobuoy data for target tracking and for the Acoustics Mission Planner (AMP), which is a tactical aid employed to optimize the deployment of sonobuoys and the dipping sonar.

g. The AN/APS–153 multi-mode radar with an integrated IFF and Inverse Synthetic Aperture (ISAR) provides target surveillance/detection capability.

h. The AN/ALQ–210 (ESM) system identifies the location of an emitter.

i. The AN/AAS–44C(V) Multi-Spectral Targeting System (MTS) operates in day/night and adverse weather conditions. Imagery is provided by a Forward Looking Infrared (FLIR) sensor, a color/monochrome day television (DTV) camera, and a Low-Light TV (LLTV).

j. Ultra High Frequency/Very High Frequency (UHF/VHF) Radios (ARC–210) contain embedded sensitive encryption algorithms and keying material.

k. Advanced Data Transfer System (ADTS) with Type 1 encryption for data at rest.

l. Satellite Communications Demand Assigned Multiple Access (SATCOM DAMA), which provides increased, interoperable communications capabilities with U.S. forces.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of

the hardware and software elements, the information could be used to develop countermeasures or equivalent systems, which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Spain can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Spain.

[FR Doc. 2024–10386 Filed 5–10–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–0C]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697–9214.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22–0C.

Dated: May 8, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

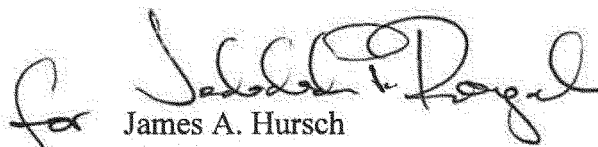
February 18, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22-0C. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 20-35 of September 30, 2020.

Sincerely,


for James A. Hursch
Director

Enclosures:

1. Transmittal

Transmittal No. 22-0C

Report of Enhancement or Upgrade of
Sensitivity of Technology or Capability
(Sec. 36(B)(5)(C), AECA)

(i) *Purchaser:* Government of
Switzerland

(ii) *Sec. 36(b)(1), AECA Transmittal*
No.: 20-35

Date: September 30, 2020

Implementing Agency: Air Force,
Navy

(iii) *Description:* On September 30,
2020, Congress was notified by
Congressional certification transmittal
number 20-35 of the possible sale,
under Section 36(b)(1) of the Arms

Export Control Act, of up to forty (40)
F-35 Joint Strike Fighter Conventional
Take Off and Landing (CTOL) aircraft;
forty-six (46) Pratt & Whitney F-135
engines; forty (40) Sidewinder AIM-9X
Block II+ (Plus) Tactical Missiles; fifty
(50) Sidewinder AIM-9X Block II
Captive Air Training Missiles (CATMs);
six (6) Sidewinder AIM-9X Block II
Special Air Training Missiles (NATMS);
four (4) Sidewinder AIM-9X Block II
Tactical Guidance Units; ten (10)
Sidewinder AIM-9X Block II CATM
Guidance Units; eighteen (18) KMU-572
JDAM Guidance Kits for GBU-54;
twelve (12) Bomb MK-82 500LB,
General Purpose; twelve (12) Bomb MK-

82, Inert; twelve (12) GBU-53/B Small
Diameter Bomb II (SDB II) All-Up
Round (AUR); and eight (8) GBU-53/B
SDB II Guided Test Vehicle (GTV). Also
included are Electronic Warfare
Systems; Command, Control,
Communications, Computer and
Intelligence/Communications,
Navigational, and Identification (C4I/
CNI); Autonomic Logistics Global
Support System (ALGS); Autonomic
Logistics Information System (ALIS);
Full Mission Trainer; Weapons
Employment Capability and other
Subsystems, Features, and Capabilities;
F-35 unique infrared flares;
reprogramming center access; F-35

Performance Based Logistics; software development/integration; flight test instrumentation; aircraft ferry and tanker support; Detector Laser DSU-38A/B, Detector Laser DSU-38A(D-2)/B, FMU-139D/B Fuze, KMU-572(D-2)/B Trainer (JDAM), 40 inch Wing Release Lanyard; GBU-53/B SDB II Weapon Load Crew Trainers (WLCT); Cartridge, 25 mm PGU-23/U; weapons containers; aircraft and munitions support and test equipment; communications equipment; spares and repair parts; repair and return support; personnel training and training equipment; publications and technical documents; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The total estimated cost was \$6.58 billion. Major Defense Equipment (MDE) constituted \$4.08 billion of this total.

On December 4, 2020, Congress was notified by Congressional certification transmittal number 0B-21 of a clarification of eighteen (18) FMU-139D/B Fuzes as MDE items. This transmittal further reported a clarification of the description for AIM-9X Guidance Units from “four (4) Sidewinder AIM-9X Block II Tactical Guidance Units” to “four (4) Sidewinder AIM-9X Block II+ (plus) Tactical Guidance Units.” The total

MDE remained \$4.08 billion. The total case value remained \$6.58 billion.

This transmittal reports an extension of operation and sustainment costs for Switzerland's F-35 (non-MDE articles and services). There is no additional MDE being reported with this notification; as such, the total MDE value remains \$4.08 billion. The total cost of the new non-MDE articles and services is \$1.95 billion. The total case value will increase to \$8.53 billion.

(iv) *Significance*: This notification is provided due to the increased costs associated with the request for a longer period of Operations and Sustainment costs, as modified by the Swiss government from their original request.

(v) *Justification*: This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a friendly European nation that continues to be an important force for political stability and economic progress in Europe.

(vi) *Sensitivity of Technology*: The Sensitivity of Technology Statement contained in the original notification applies to articles and services here.

(vii) *Date Report Delivered to Congress*: February 18, 2022.

[FR Doc. 2024-10385 Filed 5-10-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21-59]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 21-59 with attached Policy Justification.

Dated: May 8, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

FEB 22 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-59 concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost \$1 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

James A. Hursch
Director

Enclosures:

- 1. Transmittal
- 2. Policy Justification
- 3. Regional Balance (Classified document provided under separate cover)

Transmittal No. 21-59

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Kuwait

(ii) *Total Estimated Value:*

Major Defense Equipment* \$0 billion

Other \$1 billion

Total \$1 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

None

Non-MDE:

Planning, design, construction, and

associated procurement of Kuwait Ministry of Defense (KMOD) Headquarters Complex in Kuwait. This includes provisions for all physical building and infrastructure construction costs. The U.S. Army Corps of Engineers will provide life cycle design, construction, and project management, engineering services, technical support, facility

and infrastructure assessments, surveys, planning, programming, design, acquisition, contract administration, construction management, and other technical services. The overall project includes over twenty facilities, including primary headquarters facilities for both civilian and military leadership, as well as any and all engineering studies, designs, construction, and construction management services necessary in order to provide a fully functioning headquarters complex.

(iv) *Military Department: Army* (KU-B-HBJ)

(v) *Prior Related Cases, if any:* KU-B-BAT

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* February 22, 2022

*As defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

Kuwait—Design and Construction of the Kuwait Ministry of Defense Headquarters Complex

The Government of Kuwait has requested to buy planning, design, construction, and associated procurement of Kuwait Ministry of Defense (KMOD) Headquarters Complex in Kuwait. This includes provisions for all physical building and infrastructure construction costs. The U.S. Army Corps of Engineers will provide life cycle design, construction, and project management, engineering services, technical support, facility and infrastructure assessments, surveys, planning, programming, design, acquisition, contract administration, construction management, and other technical services. The overall project includes over twenty facilities, including primary headquarters facilities for both civilian and military leadership, as well as any and all engineering studies, designs, construction, and construction management services necessary in order to provide a fully functioning headquarters complex. The estimated total cost is \$1 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the infrastructure of a Major Non-NATO ally that has been an important force for political stability

and economic progress in the Middle East.

This proposed sale will improve Kuwait's capability to meet current and future threats by modernizing the KMOD headquarters and associated infrastructure. Kuwait will have no difficulty absorbing this infrastructure, support, and associated services into its armed forces.

The proposed sale of this infrastructure and support will not alter the basic military balance in the region.

No principal contractor has been identified for this sale. Contracts funded by this case are likely to be competitive acquisitions. The host nation has the ability to limit competition if they so choose, but has not requested to do so at this time. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of as many as ten (10) additional U.S. Government or U.S. contractor representatives to Kuwait for a duration of up to seven (7) years to provide construction management and oversight. It may be possible to utilize locally available labor to provide some oversight services in lieu of the assignment of U.S. personnel to the program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2024–10384 Filed 5–10–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Comprehensive Centers Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2024 for the Comprehensive Centers (CC) Program, Assistance Listing Number 84.283B. This notice relates to the approved information collection under OMB control number 1894–0006.

DATES:

Applications Available: May 16, 2024.

Deadline for Notice of Intent to Apply: June 7, 2024. Potential applicants are strongly encouraged to notify the Department of their intent to apply to support us in planning for a more efficient review of applications. Notification is optional and non-binding. For more information see

Section IV: Application and Submission Information.

Deadline for Transmittal of Applications: June 24, 2024.

Deadline for Intergovernmental Review: August 22, 2024.

Pre-Application Webinar Information:

No later than May 30, 2024, the Department will begin holding webinars to provide technical assistance to interested applicants on key application-related topics. Interested applicants are strongly encouraged to participate or review the accompanying materials available online. Updated information can be found on the Comprehensive Center website at <https://oese.ed.gov/offices/office-of-formula-grants/program-and-grantee-support-services/comprehensive-centers-program/>. Recordings of all webinars will be available on the Comprehensive Center website following the sessions.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045), and available at <https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs>.

FOR FURTHER INFORMATION CONTACT: Dr. Michelle Daley, U.S. Department of Education, 400 Maryland Avenue SW, Room 4B112, Washington, DC 20202–5970. Telephone: (202) 987–1057. Email: OESE.ComprehensiveCenters@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Comprehensive Centers Program supports the establishment of Comprehensive Centers to provide capacity-building services to State educational agencies (SEAs), regional educational agencies (REAs), local educational agencies (LEAs), and schools that improve educational opportunities and outcomes, close achievement gaps, and improve the quality of instruction for all students, and particularly for groups of students with the greatest need, including students from low-income families and students attending schools

implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

Background: We have published elsewhere in this issue of the **Federal Register** a notice of final priorities, requirements, definitions, and selection criteria (NFP) for use in this and future Comprehensive Center Program competitions. In developing priorities for this program, the Department consulted with education stakeholders, including through Regional Advisory Committees (RACs) established under section 206 of the Educational Technical Assistance Act of 2002 (ETAA), Tribes, chief State school officers, chief executive officers of States, and Regional Educational Laboratory (REL) governing boards. Additionally, the Department received public comment on a notice of proposed priorities, requirements, definitions, and selection criteria for this program published in the **Federal Register** on January 23, 2024 (89 FR 4228).

The Department designed the priorities, requirements, definitions, and selection criteria for the Comprehensive Centers to support high-quality capacity-building services to State, regional, and local educational agencies and schools that improve educational opportunities and outcomes, close opportunity and achievement gaps, and improve the quality of instruction for all students. The Department seeks to maximize the ability of the Comprehensive Centers to be flexible and responsive to specific State and local client needs while also providing leadership and focused support on issues of national importance to support education systems through a time of continued challenge and transition. This approach aligns with “Raise the Bar: Lead the World” (RTB)—the Department’s call to action to all stakeholders to transform pre-kindergarten through postsecondary education and unite the field around evidence-based strategies that advance educational equity and excellence for all students. Specifically, through the absolute priorities in this competition, the Department will establish a network of Comprehensive Centers (CCNetwork) comprised of a National Comprehensive Center (National Center), Regional Comprehensive Centers (Regional Centers), and Content Centers working together to support SEAs, REAs, Tribal education agencies (TEAs), LEAs, and schools to address areas of national need and advance several key focus

areas, including to assist States and districts in academic achievement and excellence, to offer all students a comprehensive and rigorous education, to eliminate the educator shortage, to provide every student with a pathway to multilingualism, and to provide schools with adequate and equitable funding.

Priorities: This competition includes three absolute priorities and one competitive preference priority. Absolute Priorities 1, 2, and 3 are from the NFP. The competitive preference priority is from the Administrative Priorities for Discretionary Grant Programs published in the **Federal Register** on March 9, 2020 (85 FR 13640) (Administrative Priorities).

Absolute Priorities: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet one of these priorities. If an applicant wishes to apply to operate more than one Center, the applicant must submit a separate application for each Center it wishes to serve. See the “Limitation on Applications” section for more information.

These priorities are:

Absolute Priority 1: National Comprehensive Center.

Projects that propose to establish a National Center to (1) provide high-quality, high-impact technical assistance and capacity-building services to the Nation that are designed to improve educational opportunities, educator practice, and student outcomes and (2) coordinate the work of the CCNetwork to effectively use program resources to support evidence use and the implementation of evidence-based (as defined in 34 CFR 77.1) practices to close opportunity gaps and improve educational outcomes, particularly accelerating academic achievement in math and literacy for all students, and particularly for groups of students with the greatest need, including students from low-income families and students attending schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA, in a manner that reaches and supports as many SEAs, REAs, TEAs, LEAs, and schools in need of services as possible.

The National Center must design and implement an effective approach to providing high-quality, useful, and relevant universal, targeted, and, as appropriate and in partnership with Regional Centers, intensive capacity-

building services that are likely to achieve desired recipient outcomes. The approach must be driven by adult learning principles and incorporate implementation, improvement, and systems change frameworks, and must promote alignment across interconnected areas of need, programs, and agency systems.

The National Center must implement effective strategies for coordinating and collaborating with the Regional Centers and Content Centers to assess educational needs; coordinate common areas of support across Centers; communicate about the work of the CCNetwork, including sharing and disseminating information about CCNetwork services, tools, and resources to maximize the reach of the CCNetwork across clients and education stakeholders; coordinate with other federally funded providers regarding the work of the CCNetwork and help clients navigate available support; and support the selection, implementation, scale-up, and dissemination of evidence-based practices that will improve educational opportunities and outcomes, particularly academic achievement in math and literacy, and close achievement gaps for all students, particularly for groups of students with the greatest need, including students from low-income families and students attending schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA.

Services must address: common high-leverage problems identified in Regional Center service plans (as outlined in the Program Requirements for the National Center); findings from finalized Department monitoring reports or audit findings; implementation challenges faced by States and LEAs related to teaching, learning, and development; needs of schools designated for improvement; needs related to closing opportunity and achievement gaps; needs to improve core academic instruction; and emerging education topics of national importance.

The National Center must provide universal and targeted capacity-building services that demonstrably assist SEAs, REAs, TEAs, LEAs, and Regional Center clients and recipients to—

(1) Implement approved ESEA Consolidated State Plans, with preference given to implementing and scaling evidence-based programs, practices, and interventions that directly benefit entities that have high percentages or numbers of students from low-income families as referenced in

title I, part A of the ESEA (ESEA sec. 1113(a)(5));

(2) Implement and scale up evidence-based programs, practices, and interventions that lead to the increased capacity of SEAs and LEAs to address the unique educational challenges and improve outcomes of schools implementing comprehensive support and improvement activities or targeted or additional targeted support and improvement activities as referenced in title I, part A of the ESEA (ESEA sec. 1111(d)) and their students;

(3) Implement State accountability and assessment systems consistent with title I, part A of the ESEA (ESEA section 1111(b)–(d)), including the requirement for States to conduct resource allocation reviews under ESEA section 1111(d)(3)(A)(ii);

(4) Implement and scale up evidence-based programs, practices, and interventions that improve instruction and outcomes in core academic subjects, including math and literacy instruction;

(5) Address the unique educational obstacles faced by rural and Tribal students; and

(6) Implement and scale up evidence-based programs, practices, and interventions that address other emerging education topics of national importance that are not being met by another federally funded technical assistance provider (e.g., best practices in the use of education technology, student support strategies promoting digital literacy and access, or supporting asylum seekers and newly arrived immigrant children and youth or migratory students and their families).

An applicant under this priority must demonstrate how it will cultivate a network of national subject matter experts from a diverse set of perspectives or organizations to provide capacity-building support to Regional Centers and clients regarding the ESEA topical areas listed above and other emerging education issues of national importance.

Absolute Priority 2: Regional Centers.

Projects that propose to establish Regional Centers to provide high-quality, useful, and relevant intensive capacity-building services to State and local clients and recipients to assist them in selecting, implementing, and sustaining evidence-based programs, practices, and interventions that will result in improved educator practice and student outcomes, especially in math and literacy. The approach must be driven by adult learning principles and incorporate implementation, improvement, and systems change frameworks.

Each Regional Center must provide high-quality, useful, and relevant capacity-building services that demonstrably assist clients and recipients in—

(1) Carrying out Consolidated State Plans approved under the ESEA, with preference given to the implementation and scaling up of evidence-based programs, practices, and interventions that directly benefit recipients that have high percentages or numbers of students from low-income families as referenced in title I, part A of the ESEA (ESEA sec. 1113(a)(5)) and recipients that are implementing comprehensive support and improvement activities or targeted or additional targeted support and improvement activities as referenced in title I, part A of the ESEA (ESEA sec. 1111(d)), including the requirement for States to conduct resource allocation reviews required under ESEA section 1111(d)(3)(A)(ii);

(2) Implementing, scaling up, and sustaining evidence-based programs, practices, or interventions that focus on key initiatives that lead to LEAs and schools improving student outcomes. Key initiatives may include implementing evidence-based practices to help accelerate academic achievement in math and literacy (including high-impact tutoring, high-quality summer and after-school learning and enrichment, and effective interventions to reduce chronic absenteeism and increase student engagement), improving core academic instruction, implementing innovative and promising approaches to systems of high-quality assessment (including diagnostic, formative and interim assessments to inform instructional design), addressing educator shortages (including recruitment, preparation, and retention), or developing aligned and integrated agency systems;

(3) Addressing the unique educational obstacles faced by underserved populations, including students from low-income families, students of color, students living in rural areas, Tribal students, English learners, students in foster care, migratory children, immigrant children and youth, and other student populations with specific needs defined in the ESEA, which may include neglected, delinquent, and at-risk children and youth, and homeless children and youths; and

(4) Improving implementation of ESEA programs including collecting and reporting program data and addressing corrective actions or results from audit findings and ESEA program monitoring, conducted by the Department, that are programmatic in nature, at the request of the client.

Regional Centers must effectively work with the National Center and Content Centers, as needed, to assist clients in selecting, implementing, and sustaining evidence-based programs, policies, practices, and interventions; and must develop cost-effective strategies to make their services available to as many SEAs, REAs, TEAs, LEAs, and schools within the region in need of support as possible.

Applicants must propose to operate a Regional Center in one of the following regions:

Region 1 (Northeast): Connecticut, Massachusetts, Maine, New Hampshire, New York, Rhode Island, Vermont

Region 2 (Islands): Puerto Rico, Virgin Islands

Region 3 (Mid-Atlantic): Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania

Region 4 (Appalachia): Kentucky, Tennessee, Virginia, West Virginia

Region 5 (Southeast): Georgia, North Carolina, South Carolina

Region 6 (Gulf): Alabama, Florida, Mississippi

Region 7 (Midwest): Indiana, Michigan, Ohio, Illinois, Iowa, Minnesota, Wisconsin

Region 8 (Central): Colorado, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming

Region 9 (Southwest): Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Region 10 (West): Arizona, California, Nevada, Utah

Region 11 (Northwest): Alaska, Oregon, Washington, Idaho, Montana

Region 12 (Pacific 1): American Samoa, Hawaii, Republic of the Marshall Islands

Region 13 (Pacific 2): Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Palau

Region 14: Bureau of Indian Education
Absolute Priority 3: Content Centers.

Projects that propose to establish Content Centers to provide high-quality, useful, and relevant targeted and universal capacity-building services in a designated content area of expertise to SEA, REA, TEA, and LEA clients designed to improve educational opportunities, educator practice, and student outcomes.

Content Centers must be designed to build the capacity of practitioners, education system leaders, public schools serving preschool through 12th grades (P–12) (which may include Head Start and community-based preschool), LEAs, and SEAs to use evidence in the designated content area. Capacity-

building services may include, for example, developing evidence-based products and tools, and providing services that directly inform the use of evidence in a State or local policy or program or improved program implementation to achieve desired educational outcomes. The approach must be driven by adult learning principles and incorporate implementation, improvement, and systems change frameworks. Services must promote the use of the latest evidence, including research and data; be effectively delivered using best practices in technical assistance and training; and demonstrate a rationale for how they will result in improved recipient outcomes.

Content Centers must support Regional Centers, as needed, with subject matter expertise to enhance the intensive capacity-building services provided by the Regional Centers or to design universal or targeted capacity-building services to meet identified SEA, REA, TEA, or LEA needs.

Content Centers must effectively coordinate and align targeted and universal capacity-building services with the National Center, Regional Centers, and other federally funded providers, as appropriate, to address high-leverage problems and provide access to urgently needed services to build Centers' capacity to support SEAs and local clients. Content Centers must effectively coordinate with the National Center, Regional Centers, and other federally funded providers to assess potential client needs, avoid duplication of services, and widely disseminate products or tools to practitioners, education system leaders, and policymakers in formats that are high quality, easily accessible, understandable, and actionable to ensure the use of services by as many SEA, REA, TEA, and LEA recipients as possible.

Applicants must propose to operate a Content Center in one of the following areas:

(1) *English Learners and Multilingualism*. The Center on English Learners and Multilingualism must provide universal, targeted, and, as appropriate and in partnership with Regional Centers, intensive capacity-building services designed to support SEAs and LEAs to meet the needs of English learners beginning with early language acquisition and development, meet the needs of English learners with disabilities, and increase access to high-quality language programs so that they, along with all students, have the opportunity to become multilingual. The Center must also support the

selection, implementation, and scale-up of evidence-based practices, in coordination with the National Clearinghouse for English Language Acquisition, related to meeting the needs of English learners.

(2) *Early School Success*: The Center for Early School Success must provide universal, targeted, and, as appropriate, and in partnership with Regional Centers, intensive capacity-building services designed to support SEAs and LEAs to implement comprehensive and aligned preschool to third-grade (PK–3) early learning systems in order to increase the number of children who experience success in early learning and achievement, including by increasing the number of children who meet challenging State academic standards; supporting effective transitions to kindergarten; partnerships with parents and families on everyday school attendance; and developmentally informed and evidence-based instructional practices in social and emotional development, early literacy, and math. The Center must support the selection, implementation, and scale-up of programs, policies, and practices, informed by research on child development, that can strengthen the quality of PK–3 learning experiences and support social, emotional, cognitive, and physical development.

(3) *Fiscal Equity*: The Center on Fiscal Equity must provide universal, targeted, and, as appropriate, and in partnership with Regional Centers, intensive capacity-building services designed to support SEAs and LEAs in strengthening equitable and adequate resource allocation strategies, including the allocation of State and local resources; improving the quality and transparency of fiscal data at the school level; and prioritizing supports for students and communities with the greatest need, including schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA in collaboration with the National Center. The Center must support the selection, implementation, and scale-up of evidence-based programs, policies, and practices that promote responsible fiscal planning and management, and effective and permissible uses of ESEA formula funds, including through combining those funds with other available and allowable Federal, State, and local funds (“blending and braiding”) and considering how ESEA funds may interact with and complement other Federal programs, such as IDEA,

Medicaid, and Head Start to improve student opportunities and outcomes.

(4) *Strengthening and Supporting the Educator Workforce*: The Center on Strengthening and Supporting the Educator Workforce must provide universal, targeted, and, as appropriate and in partnership with Regional Centers, intensive capacity-building services designed to support SEAs to support their LEAs, schools, and their partners (e.g., educator preparation programs, workforce boards, labor unions) in designing and scaling practices that establish and enhance high-quality, comprehensive, evidence-based, and affordable educator pathways, including educator residency and Grow Your Own programs, as well as emerging pathways into the profession such as registered apprenticeship programs for teachers; and in improving educator diversity, recruitment, and retention. The Center must support the selection, implementation, and scale-up of evidence-based programs, policies, and practices that will support States, LEAs, and their partners in addressing educator shortages and providing all students with highly qualified educators across the P–12 continuum, including through increased compensation and improved working conditions; high-quality, comprehensive, evidence-based, and affordable educator preparation, including educator residency and Grow Your Own programs, as well as emerging pathways into the profession such as registered apprenticeship programs for teachers; providing opportunities for teacher leadership and career advancement; ongoing professional learning throughout educators' careers, including implementing evidence-based strategies for effective teaching and learning; strengthening novice teacher induction; and supporting and diversifying the educator workforce, as well as other actions to improve learning conditions and educator well-being.

Competitive Preference Priority: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award an additional 3 points to an application that meets this priority.

This priority is:
Applications From New Potential Grantees (0 or 3 points). Under this priority, an applicant must demonstrate that the applicant has never received a grant, including through membership in a group application submitted in accordance with 34 CFR 75.127–75.129,

under the program from which it seeks funds.

Requirements: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, the following program requirements and application requirements apply. These requirements are from the NFP.

Program Requirements: Grantees must meet the following program requirements.

Program Requirements for All Centers: National, Regional, and Content Center grantees under this program must:

(1) Develop service plans annually for carrying out the technical assistance and capacity-building activities to be delivered by the Center in response to educational challenges facing students, practitioners, and education system leaders. Plans must include: High-leverage problems to be addressed, including identified client needs, capacity-building services to be delivered, time-based outcomes (*i.e.*, short-term, mid-term, long-term), responsible personnel, key technical assistance partners, milestones, outputs, dissemination plans, fidelity measures, if appropriate, and any other elements specified by the Department. The annual service plans must be an update to the Center's five-year plan submitted as part of the initial grant application and account for changes in client needs.

(2) Develop and implement capacity-building services, including tools and resources, in partnership with State and local clients and recipients to reflect and address specific client needs and contexts and promote sustainable evidence utilization to address identified educational challenges.

(3) Develop and implement an effective performance management and evaluation system that integrates continuous improvement to promote effective achievement of client outcomes. The system must include methods to measure and monitor progress towards agreed upon outcomes, outputs, and milestones and to measure the reach, use, and impact of the services being delivered to ensure capacity-building services are implemented as intended, reaching intended clients and recipients, and achieving desired results. Progress monitoring must include periodic assessment of client satisfaction and timely identification of changes in State contexts that may impact the project's success. The performance management system must include strategies to report on defined program performance measures.

(4) Develop and implement a stakeholder engagement system to regularly communicate, engage, and coordinate, using feedback to inform improvement, across organizational levels (Federal, State, and local), and facilitate regular engagement of stakeholders involved in or affected by proposed services. This system must provide regular and ongoing opportunities for outreach activities (*e.g.*, ongoing promotion of services and products to potential and current recipients, particularly at the local level) and regular opportunities for engagement with potential beneficiaries or participants involved in or impacted by proposed school improvement activities (*e.g.*, students, parents, educators, administrators, Tribal leaders) to ensure services reflect their needs.

(5) Develop and implement a high-quality personnel management system to efficiently obtain and retain the services of nationally recognized technical and content experts and other consultants with direct experience working with SEAs, REAs, and LEAs. The Center must ensure that personnel have the appropriate expertise to deliver high-quality capacity-building services that meet client and recipient need and be staffed at a level sufficient for achieving the goals of its assigned projects and responsibilities.

(6) Develop and implement a comprehensive communication and dissemination plan that includes strategies to disseminate information in multiple formats and mediums (*e.g.*, evidence-based practice tool kits, briefs, informational webinars) including through CCNetwork websites, social media, and other methods as appropriate, and strategies to measure and monitor the use of the information it disseminates. The plan must include approaches to determine, at the outset of each project, in consultation with clients, the most effective modality and methodology for capturing evidence-based practices and lessons learned, dissemination strategies customized and based on needs of the targeted audience(s), and strategies to monitor and measure audience engagement and use of information and products of the Center. Centers must work with partners to disseminate products through networks in which the targeted audiences are most likely to seek or receive information, with the goal of expanding the reach of Centers to the largest number of recipients possible.

(7) Identify and enter into partnership agreements with federally funded providers, State and national organizations, businesses, and industry

experts, as applicable, to support States in the implementation and scaling-up of evidence-based programs, practices, and interventions, as well as reduce duplication of services and engagement burden to States. Where appropriate, the agreements should document how the partnerships might advance along a continuum to effectively meet program and client goals.

(8) Within 90 days of receiving funding for an award, demonstrate to the Department that it has secured client and partner commitments to carry out proposed annual service plans.

(9) Participate in a national evaluation of the Comprehensive Centers Program.

Program Requirements for National Comprehensive Center: In addition to the requirements for all Centers, National Center grantees under this program must:

(1) Design and implement robust needs-sensing activities and processes to consult with and integrate feedback from the Department, Regional and Content Centers, and advisory boards that surface high-leverage problems that could be effectively addressed in developing the national annual service plan.

(2) Collaborate with Regional and Content Centers to implement universal and targeted services for recipients to address high-leverage problems identified in the annual service plan. In providing targeted services (*e.g.*, multi-State and cross-regional peer-to-peer exchanges or communities of practice on problems), the National Center must provide opportunities for recipients to learn from their peers and subject matter experts and apply evidence-based practices and must define tangible, achievable capacity-building outcomes for recipient participation. Universal services must be grounded in evidence-based practices, be produced in a manner that recipients are most likely to use, be shared via multiple digital platforms, such as the CCNetwork website, social media, and other channels as appropriate, and be relevant for a variety of education stakeholders, including the general public.

(3) Develop and implement a strategy to recruit and retain a comprehensive cadre of national subject matter experts that includes qualified education practitioners, researchers, policy professionals, and other consultants with (1) direct experience working in or with SEAs, REAs, TEAs and LEAs and (2) in-depth expertise in specific subject areas with an understanding of State contexts available to support universal and targeted services of the National Center and intensive capacity-building services of Regional Centers. Cadre

experts must have a proven record of designing and implementing effective capacity-building services, using evidence effectively, and delivering quality adult learning experiences or professional development experiences that meet client and recipient needs and must have recognized subject matter expertise including publishing in peer-reviewed journals and presenting at national conferences on the ESEA programs or content areas for which they are engaged as experts to provide universal, targeted, or intensive capacity building.

(4) Reserve not less than one half of the annual budget to provide universal, targeted, and, as needed, intensive services to address topics 1–5 enumerated in the priority for this Center and as approved by the Department in the annual service plan.

(5) Include in the communications and dissemination plan, and implement processes for outreach activities (e.g., regular promotion of services and products to clients and potential and current recipients), use of feedback loops across organizational levels (Federal, State, and local), regular engagement and coordination with the Department, Regional Centers, and partner organizations (e.g., federally funded providers), and engagement of stakeholders involved in or impacted by proposed school improvement activities.

(6) Design and implement communications and dissemination vehicles for the CCNetwork, including maintaining the CCNetwork website with an easy-to-navigate design that meets government or industry recognized standards for accessibility, including compliance with section 504 of the Rehabilitation Act of 1973, and maintain a consistent media presence, in collaboration with Regional and Content Centers and the Department Communications office, that promotes increased engagement.

(7) Develop peer learning opportunities for Regional and Content Center staff (and other partners, as appropriate) to address implementation challenges and scale effective practices to improve service delivery across the CCNetwork.

(8) Collect and share information about services provided through the CCNetwork for the purpose of coordination, collaboration, and communication across Centers and other providers, including an annual analysis of service plans to identify and disseminate information about services rendered across the CCNetwork.

(9) Ensure that the Project Director is capable of managing all aspects of the

Center and is either staffed at 1 FTE or there are two Co-Project Directors each at a minimum of 0.75 FTE. The Project Director or Co-Project Directors and all key personnel must be able to provide services at the intensity, duration, and modality appropriate to achieving agreed-upon milestones, outputs, and outcomes described in annual service plans.

(10) Reserve not less than one third of the budget to address the program requirements for CCNetwork coordination (requirements 5 through 8).

Program Requirements for Regional Centers: In addition to the requirements for all Centers, Regional Center grantees under this program must:

(1) Actively coordinate and collaborate with the REL serving their region. Coordination must include annual joint need sensing in a manner designed to comprehensively inform service delivery across both programs while reducing burden on State agencies. The goals of this coordination and collaboration are to share, synthesize, and apply information, ideas, and lessons learned; to enable each type of provider to focus on its designated role; to ensure that work is non-duplicative; to streamline and simplify service provision to States and LEAs; and to collaborate on projects to better support regional stakeholders.

(2) Consult with a broad range of stakeholders, including chief State school officers and other SEA leaders, TEAs, LEAs, educators, students, and parents, and integrate their feedback in developing the annual service plan to reflect the needs of all States (and to the extent practicable, of LEAs) within the region to be served.

(3) In developing the annual service plan, ensure services are provided to support students and communities with the highest needs, including recipients:

(i) that have high percentages or numbers of students from low-income families as referenced in title I, part A of the ESEA (ESEA sec. 1113(a)(5)); (ii) that are implementing comprehensive support and improvement activities or targeted or additional targeted support and improvement activities as referenced in title I, part A of the ESEA (ESEA sec. 1111(d)); (iii) in rural areas; and (iv) serving student populations with demonstrated needs unmet or under-met through other Federal, State, or local interventions.

(4) Explore and provide opportunities to connect peers within and across regions.

(5) Collaborate with the National Center and Content Centers, as appropriate, including to support client

and recipient participation in targeted capacity-building services, and obtain and retain the services of nationally recognized content experts through partnership with the National Center, Content Centers, or other federally funded providers.

(6) Support the participation of Regional Center staff in CCNetwork peer learning opportunities, including sharing information about effective practices in the region, to extend the Center's reach to as many SEAs, REAs, TEAs, LEAs, and schools in need of services as possible while also learning about effective capacity-building approaches to enhance the Center's ability to provide high-quality services.

(7) Within 90 days of receiving funding for an award, provide to the Department copies of partnership agreements with the REL(s) in the region that the Center serves and, as appropriate, other Department-funded technical assistance providers that are charged with supporting comprehensive, systemic changes in States or Department-funded technical assistance providers with particular expertise (e.g., early learning or instruction for English language learners) relevant to the region's service plan. Partnership agreements must define processes for coordination and support collaboration to meet relevant program requirements.

(8) Be located in the region the Center serves. The Project Director must be capable of managing all aspects of the Center and be either at a minimum of 0.75 FTE or there must be two Co-Project Directors each at a minimum of 0.5 FTE. The Project Director or Co-Project Directors and key personnel must also be able to provide on-site services at the intensity, duration, and modality appropriate to achieving agreed-upon milestones, outputs, and outcomes described in annual service plans.

Program Requirements for Content Centers: In addition to the requirements for all Centers, Content Center grantees under this program must:

(1) Consult and integrate feedback from the Department and National and Regional Centers in developing the annual service plan to inform high-quality tools, resources, and overall technical assistance in priority areas.

(2) Collaborate with Regional Centers to address specific requests for assistance from States within the regions and strengthen Regional Center staff knowledge and expertise on the evidence base and effective practices within its specific content area.

(3) Produce high-quality, universal capacity-building services, and identify,

organize, select, and translate existing key research knowledge and Department guidance related to the Center's content area and examples of workable strategies and systems for implementing provisions and programs that have produced positive outcomes for schools and students, and communicate the information in ways that are highly relevant and useful to State- and local-level policymakers, practitioners, and relevant stakeholders.

(4) Collaborate with the National Center and Regional Centers to convene States and LEAs, researchers, and other experts, including other Federal entities and providers of technical assistance as identified by the Department, to learn from each other about practical strategies for implementing ESEA provisions and programs related to the Center's area of focus.

(5) Support the participation of Content Center staff in CCNetwork peer learning opportunities with the goal of providing high-quality services while reaching as many SEAs, REAs, TEAs, LEAs, and schools in need of services as possible.

(6) Within 90 days of receiving funding for an award, provide copies to the Department of partnership agreements with Department-funded technical assistance providers that are charged with supporting comprehensive, systemic changes in States or Department-funded technical assistance providers with particular expertise relevant to the Center's content area. Partnership agreements must define processes for coordination and support collaboration to meet relevant program requirements.

(7) The Project Director must be capable of managing all aspects of the Center and be either at a minimum of 0.75 FTE or there must be two Co-Project Directors each at a minimum of 0.5 FTE. The Project Director or Co-Project Directors and all key personnel must be able to provide services at the intensity, duration, and modality appropriate to achieving agreed-upon milestones, outputs, and outcomes described in annual service plans.

Application Requirements:

Applicants must meet the following application requirements.

Application Requirements for All Centers:

(1) Present an approach to the proposed project for operating the Comprehensive Center that clearly establishes the critical educational challenges proposed to be addressed by the Center, the impact the Center plans to achieve, including the proposed scope of services in relation to the number of SEAs, REAs, TEAs, LEAs,

and, as appropriate, schools served, with respect to specific State and local outcomes that would represent significant achievement in advancing the efforts of State and local systems to improve educational opportunities and student outcomes, and proposes how the Center will efficiently and effectively provide appropriate capacity-building services to achieve the desired outcomes.

(2) Present applicable regional, State, and local educational needs, including relevant data demonstrating the identified needs, and including the perspectives of underrepresented groups, that could be addressed through the proposed capacity-building approach to implement and scale up evidence-based programs, practices, and interventions.

(3) Demonstrate how key personnel possess subject matter expert knowledge of statutory requirements, regulations, and policies related to ESEA programs, current education issues, and policy initiatives for supporting the implementation and scaling up of evidence-based programs, practices, and interventions.

(4) Demonstrate expertise in providing highly relevant and highly effective technical assistance (*e.g.*, that is co-designed with clients; demonstrably addresses authentic needs based on needs-sensing activities; is timely, relevant, useful, clear and measurable; and results in demonstrable improvements or outcomes), including by demonstrating expertise in the current research on adult learning principles, coaching, and implementation science that will drive the applicant's capacity-building services; how the applicant has successfully supported clients to achieve desired outcomes; and how the applicant will promote self-sufficiency and sustainability of State- and local-led school improvement activities.

(5) Present a logic model (as defined in this notice) informed by research or evaluation findings that demonstrates a rationale (as defined in 34 CFR 77.1) explaining how the project is likely to improve or achieve relevant and expected outcomes. The logic model must communicate how the proposed project would achieve its expected outcomes (short-term, mid-term, and long-term), and provide a framework for both the formative and summative evaluations of the project consistent with the applicant's performance management plan. Include a description of underlying concepts, assumptions, expectations, beliefs, and theories, as well as the relationships and linkages

among these variables, and any empirical support for this framework.

(6) Present a management plan that describes the applicant's proposed approach to managing the project to meet all program requirements related to needs assessment, stakeholder engagement, communications and dissemination, personnel management, and partnerships.

(7) Present a performance management and evaluation plan that describes the applicant's proposed approach to meeting the program requirements related to performance management, including the applicant's proposed strategy to report on defined program performance measures, and describes the criteria for determining the extent to which capacity-building services proposed in annual service plans were implemented as intended; recipient outcomes were met (short-term, midterm, and long-term); recipient capacity was developed; and services reached and were used by intended recipients.

(8) Include in the budget a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with, and approved by, the OESE program officer. With approval from the program officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period.

Application Requirements for the National Center: In addition to meeting the application requirements for all Centers, a National Center applicant must:

(1) Describe the proposed approach to leading coordination and collaboration of the CCNetwork, and demonstrate expertise and experience in leading communication and digital engagement strategies to attract and sustain the involvement of education stakeholders, including, but not limited to: implementing a robust web and social media presence, overseeing customer relations management, providing editorial support to Regional and Content Centers, and utilizing web analytics to improve content engagement.

(2) Describe the proposed approach to providing targeted capacity-building services, including how the applicant intends to collaborate with Regional Centers to identify potential recipients and estimate how many SEAs, REAs, TEAs, and LEAs it has the capacity to reach; how it will measure the readiness and capacity of potential recipients; and

how it will measure the extent to which targeted capacity-building services achieve intended recipient outcomes and result in increased recipient capacity (and specifically, increase capacity in one or more of the four dimensions of capacity-building).

(3) Describe the proposed approach to universal capacity-building services, including how many and which recipients it plans to reach and how the applicant intends to: measure the extent to which products and services developed address common problems; support recipients in the selection, implementation, and monitoring of evidence-based practices; improve the use of evidence with regard to emerging national education trends; and build recipient capacity in at least one of the four dimensions of capacity-building.

Application Requirements for Regional Centers: In addition to meeting the application requirements for all Centers, a Regional Center applicant must—

(1) Describe the proposed approach to intensive capacity-building services, including identification of intended recipients based on available data in each of the content areas identified, alignment of proposed capacity-building services to client needs, and engagement of clients who may not initiate contact to request services. The applicant must also describe how it intends to measure the readiness of clients and recipients to work with the Center; co-design projects and define outcomes; measure and monitor client and recipient capacity across the four dimensions of capacity-building; and measure the outcomes achieved throughout and at the conclusion of a project.

(2) Demonstrate that proposed key personnel have the appropriate subject matter and technical assistance expertise to deliver high-quality, intensive services that meet client and recipient needs similar to those in the region to be served.

Application Requirements for Content Centers: In addition to meeting the application requirements for all Centers, a Content Center applicant must—

(1) Describe the proposed approach to carry out targeted capacity-building services that increase the use of evidence-based products or tools regarding the designated content area amongst practitioners, education system leaders, elementary schools and secondary schools, LEAs, REAs and TEAs, and SEAs.

(2) Describe the proposed approach to providing universal capacity-building services, including how it will develop evidence-based products or tools regarding the designated content area;

widely disseminate such products or tools to practitioners, education system leaders, and policymakers in formats that are high quality, easily accessible, understandable, and actionable; identify intended recipients; and align proposed capacity-building services to client needs.

(3) Demonstrate that key personnel have appropriate subject matter and technical assistance expertise to translate evidence into high-quality technical assistance services and products for State and local clients, including expertise applying adult-learning principles and implementation science to the delivery of technical assistance services and products.

Definitions: The definitions of “capacity-building services,” “client,” “collaboration,” “coordination,” “educator,” “English learner,” “four dimensions of capacity-building services,” “high-leverage problem,” “immigrant children and youth,” “intensive capacity-building services,” “key personnel,” “migratory child,” “outcomes,” “recipient,” “regional educational agency,” “targeted capacity-building services,” “three tiers of capacity-building services,” “tribal educational agency,” and “universal capacity-building services” are from the NFP.

The definitions of “milestone,” and “outputs” are from the Notice of Final Priorities, Requirements, Definitions, and Performance Measures—Comprehensive Centers Program published in the **Federal Register** on April 4, 2019 (84 FR 13122) (2019 NFP).

The definitions of “logic model” and “demonstrates a rationale” are from 34 CFR 77.1.

Capacity-building services means assistance that strengthens an individual’s or organization’s ability to engage in continuous improvement and achieve expected outcomes.

Client means the organization with which the Center enters into agreement for negotiated capacity-building services. The client is engaged in defining the high-leverage problems, capacity-building services, and time-based outcomes for each project noted in the Center’s annual service plan. Representatives of clients include but are not limited to Chief State School Officers or their designees, LEA leaders, and other system leaders.

Collaboration means exchanging information, altering activities, and sharing in the creation of ideas and resources to enhance the capacity of one another for mutual benefit to accomplish a common goal.

Coordination means exchanging information, altering activities, and

synchronizing efforts to make unique contributions to shared goals.

Demonstrates a rationale means a key project component included in the project’s logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Educator means an individual who is a teacher (including an early education teacher), principal or other school leader, administrator, specialized instructional support personnel (e.g., school psychologist, counselor, school social worker, librarian, early intervention service personnel), paraprofessional, faculty, and others.

English learner means an individual who is an English learner as defined in section 8101(20) of the ESEA, or an individual who is an English language learner as defined in section 203(7) of the Workforce Innovation and Opportunity Act.

Four dimensions of capacity-building services are:

(1) **Human capacity** means development or improvement of individual knowledge, skills, technical expertise, and ability to adapt and be resilient to policy and leadership changes.

(2) **Organizational capacity** means structures that support clear communication and a shared understanding of an organization’s visions and goals, and delineated individual roles and responsibilities in functional areas.

(3) **Policy capacity** means structures that support alignment, differentiation, or enactment of local, State, and Federal policies and initiatives.

(4) **Resource capacity** means tangible materials and assets that support alignment and use of Federal, State, private, and local funds.

High-leverage problems means problems that (1) if addressed could result in substantial improvements for groups of students with the greatest need, including for students from low-income families and for students attending schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under ESEA section 1111(d)); (2) are priorities for education policymakers, particularly at the State level; and (3) require intensive capacity-building services to achieve outcomes that address the problem.

Immigrant children and youth have the meaning ascribed in section 3201(5) of the ESEA.

Intensive capacity-building services means assistance often provided on-site and requiring a stable, ongoing

relationship between the Comprehensive Center and its clients and recipients, as well as periodic reflection, continuous feedback, and use of evidence-based improvement strategies. This category of capacity-building services should support increased recipient capacity in more than one dimension of capacity-building services and result in medium-term and long-term outcomes at one or more system levels.

Key personnel means any personnel considered to be essential to the work being performed on the project.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.*, the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Migratory child has the meaning ascribed it in section 1309(3) of the ESEA.

Milestone means an activity that must be completed. Examples include: Identifying key district administrators responsible for professional development, sharing key observations from needs assessment with district administrators and identified stakeholders, preparing a logic model, planning for State-wide professional development, identifying subject matter experts, and conducting train-the-trainer sessions.

Outcomes means demonstrable effects of receiving capacity-building services and must reflect the result of capacity built in at least one of the four dimensions of capacity building. “Outcomes” includes short-term outcomes, medium-term outcomes, and long-term outcomes:

(1) *Short-term outcomes* means effects of receiving capacity-building services after 1 year.

(2) *Medium-term outcomes* means effects of receiving capacity-building services after 2 to 3 years.

(3) *Long-term outcomes* means effects of receiving capacity-building services after 4 or more years.

Outputs means products and services that must be completed. Examples include: Needs assessment, logic model, training modules, evaluation plan, and 12 workshop presentations.

Note: A product output under this program would be considered a deliverable under the open licensing regulations at 2 CFR 3474.20.

Recipient means organizations including, but not limited to, SEAs, LEAs, REAs, TEAs, and schools that

have received “intensive” and “targeted” capacity-building services and products from Regional Centers, or that received “targeted” or “universal” capacity-building services and products from the National Center or Content Centers.

Regional educational agency means educational agencies that serve regional areas within a State.

Targeted capacity-building services means assistance based on needs common to multiple clients and recipients and not extensively individualized. A relationship is established between the recipient(s), the National Center or Content Center, and Regional Center(s), as appropriate. This category of capacity-building services includes one-time, labor-intensive events, such as facilitating strategic planning or hosting national or regional conferences. It can also include services that extend over a period of time, such as facilitating a series of conference calls, virtual or in-person meetings, or learning communities on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted capacity-building services.

Tribal educational agency has the meaning ascribed in section 6132(b)(3) of the ESEA.

Universal capacity-building services means assistance and information provided to independent users through their own initiative, involving minimal interaction with National or Content Center staff. This category of capacity-building services includes information or products, such as newsletters, guidebooks, policy briefs, or research syntheses, downloaded from the Center’s website by independent users, and may include one-time, invited or offered webinar or conference presentations by National or Content Center staff. Brief communications or consultations by National or Content Center staff with recipients, either by telephone or email, are also considered universal services.

Program Authority: Section 203 of the Educational Technical Assistance Act of 2002 (ETAA) (20 U.S.C. 9601 *et seq.*).

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and

Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The NFP. (e) The 2019 NFP. (f) The Administrative Priorities.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreement.

Note: The details of the Department’s involvement will be included in the Cooperative Agreement with each grantee.

Estimated Available Funds: \$46,153,544.

The total amount of funds available for the Comprehensive Center program for FY 2024 is \$50 million, of which we intend to use an estimated \$46,153,544 for this competition. Of that, an estimated \$6 million will be used to fund the National Center, an estimated \$35,153,544 will be used to fund Regional Centers, and an estimated \$5 million will be used to fund Content Centers. FY 2024 funds will support awards for the first budget period of the project, which is the first 12 months of the project period. Funding for the subsequent budget periods of years two through five (FY 2025 through FY 2028) is contingent on appropriation levels. Estimates of funding levels for FY 2024 and subsequent budget periods are provided below, as well as the estimated range of awards.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards:

For the National Center: \$6,000,000 to \$6,500,000.

National Center: \$6,000,000

For Regional Centers: \$1,000,000 to \$5,500,000.

The following are the estimated annual award amounts by region. Applicants should propose project budgets that do not exceed the estimated amounts for each Center. Annual funding estimates are based on a funding formula that considers factors aligned to regional needs as outlined in section 203 of the ETAA. Regional Center awards will be allocated in FY 2024 and subsequent years based on the

established formula and may take into consideration changes in regional needs and the availability of funds.

Region 1 (Northeast): \$2,380,489
 Region 2 (Islands): \$1,250,000
 Region 3 (Mid-Atlantic): \$1,931,528
 Region 4 (Appalachia): \$1,804,312
 Region 5 (Southeast): \$2,262,959
 Region 6 (Gulf): \$2,450,688
 Region 7 (Midwest): \$4,608,921
 Region 8 (Central): \$2,379,571
 Region 9 (Southwest): \$5,039,769
 Region 10 (West): \$4,487,656
 Region 11 (Northwest): \$3,057,651
 Region 12 (Pacific 1): \$1,250,000
 Region 13 (Pacific 2): \$1,250,000
 Region 14 (Bureau of Indian Education): \$1,000,000

For Content Centers: \$1,150,000 to \$1,550,000.

Center on English Learners and Multilingualism: \$1,150,000

Center for Early School Success: \$1,150,000

Center on Fiscal Equity: \$1,150,000
 Center on Strengthening and Supporting the Educator Workforce: \$1,550,000

Estimated Number of Awards: 19. The Secretary intends to make 14 awards to support Regional Centers to serve States within defined geographic boundaries; 1 award to support the National Center; and 4 awards to support Content Centers.

Note: The Department is not bound by any estimates in this notice.

Note: An additional Content Center, funded in response to 2016 appropriations language and a new authority in the ESEA, focuses on students at risk of not attaining full literacy skills due to a disability. That Center is not being awarded as part of this competition.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Research organizations, institutions, agencies, IHEs, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in this notice, including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before November 5, 2002) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before January 8, 2002). A group of eligible entities may apply as a consortium, in accordance with the requirements in 34 CFR 75.127–129.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see www2.ed.gov/about/offices/list/ocfo/intro.html.

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c) a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: Research organizations, institutions, agencies, IHEs, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in this notice. The grantee may award subgrants to entities it has identified in an approved application.

4. *Limitation on Applications:* An application must clearly respond to either Priority 1—National Center, Priority 2—Regional Centers, or Priority 3—Content Centers. If an applicant wishes to apply to operate more than one Center, the applicant must submit a separate application for each Center it wishes to serve. The Department intends to create 19 separate funding slates, one for the National Center, one for each Regional Center, and one for each Content Center. The Department anticipates funding a single award on each funding slate.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-programs, which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Comprehensive Center Program FY 2024 competition, your application may include business information that you consider proprietary. In 34 CFR 5.11 we

define “business information” and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended). Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under “Other Attachments Form,” please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This program competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 100 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

6. *Notice of Intent to Apply*: The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email the program contact person listed under **FOR FURTHER INFORMATION CONTACT** with the subject line “Intent to Apply,” and include the applicant’s name and a contact person’s name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. *Selection Criteria*: The selection criteria for this competition are from the NFP.

The maximum possible score for addressing all selection criteria is 100 points for Regional and Content Centers, and 125 points for the National Center. The maximum score for each criterion is included in parentheses following the title of the specific selection criterion. Each criterion also includes the factors that reviewers will consider in determining the extent to which an applicant meets the criterion.

Priority 1—National Center Selection Criteria:

(a) *Approach to Capacity Building (Up to 35 points)*. In determining the overall quality of the approach to capacity building of the proposed project, the Secretary considers the following factors.

(1) The extent to which the applicant demonstrates an exceptional approach to developing and delivering high-quality, useful, and relevant capacity-building services that are likely to achieve desired recipient outcomes, including targeted and universal capacity-building services that would be expected to assist SEAs, REAs, TEAs, LEAs, and Regional Center clients and recipients, including those who do not proactively request assistance, to address the activities described in the priority. (20 points)

(2) The extent to which the proposed approach to capacity building provides strategies that address the technical assistance needs of State and local educational systems in key areas of identified need, as evidenced by in-depth knowledge and understanding of implementation challenges faced by States; evidence-based practices related to teaching, learning, and development; needs of schools designated for improvement; needs to improve core

instruction; and emerging education topics of national importance. (15 points)

(b) *Quality of Project Design (Up to 50 points)*. In determining the quality of the project design of the proposed center for which the applicant is applying, the Secretary considers the following factors.

(1) The extent to which the proposed performance management and evaluation system and processes demonstrate an exceptional approach to integrating continuous improvement processes and evaluation that will result in regular and ongoing improvement in the quality of the services provided and increase the likelihood that recipient outcomes are achieved. (10 points)

(2) The extent to which the proposed stakeholder engagement system is likely to result in a high level of engagement with multiple potential beneficiaries or participants involved in or impacted by the proposed capacity-building activities to ensure that the proposed services reflect their needs, are relevant and useful, and reach the largest number of recipients possible. (10 points)

(3) The extent to which the proposed personnel management system includes effective processes to enable hiring, developing, supervising, and retaining a team of subject matter and technical assistance experts, consultants, and professional staff, and ensure availability of appropriate expertise and staffing at a level sufficient to effectively execute the responsibilities of key personnel to achieve the goals of the project. (10 points)

(4) The extent to which the proposed partnerships represent an intentional approach to collaboration that is likely to reduce client burden and to ensure that Federal resources are being used most efficiently and effectively to meet a variety of needs across federally funded providers. (5 points)

(5) The extent to which the proposed project represents an exceptional management approach to coordination, collaboration, and communication of the complex work of the CCNetwork. (15 points)

(c) *Subject Matter and Technical Assistance Expertise (Up to 40 points)*. In determining the subject matter and technical assistance expertise of key project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have historically been underrepresented based on race, color, national origin, gender, age, or disability. (5 points)

In addition, the Secretary considers the following factors.

(1) The extent to which key project personnel demonstrate the required subject matter expertise and relevant knowledge, understanding, and experience in operating and administering State and local educational systems to effectively support recipients. (10 points)

(2) The extent to which the applicant has demonstrated exceptional technical assistance expertise in providing high-quality, timely, relevant, and useful technical assistance and capacity-building services to State and local educational systems. (10 points)

(3) The extent to which the applicant has demonstrated the ability to develop new and ongoing partnerships with leading experts and organizations nationwide or regionally, as appropriate, that enhance its ability to provide high-quality technical assistance and subject-matter expertise. (10 points)

(4) The extent to which the applicant has demonstrated ability in operating a project of such scope. (5 points)

Priority 2—Regional Centers Selection Criteria:

(a) *Approach to Capacity Building (Up to 35 points)*. In determining the overall quality of the approach to capacity building of the proposed project, the Secretary considers the following factors.

(1) The extent to which the applicant demonstrates an exceptional approach to developing and delivering high-quality, useful, and relevant capacity-building services that are likely to achieve desired recipient outcomes, including intensive capacity services that would be expected to assist clients and recipients to address the activities described in the priority. (20 points)

(2) The extent to which the proposed approach to capacity building provides strategies that address the technical assistance needs of State and local educational systems in key areas of identified need, as evidenced by in-depth knowledge and understanding of the specific educational goals and priorities of the States to be served by the applicant, including emerging priorities based on State-led reform efforts, and the applicable State and regional demographics, policy contexts, and other factors and their relevance to improving educational opportunities and outcomes, closing achievement gaps, and improving instruction. (15 points)

(b) *Quality of Project Design (Up to 35 points)*. In determining the quality of the project design of the proposed Center for which the applicant is applying, the

Secretary considers the following factors.

(1) The extent to which the proposed performance management and evaluation system and processes demonstrate an exceptional approach to integrating continuous improvement processes and evaluation that will result in regular and ongoing improvement in the quality of the services provided and increase the likelihood that recipient outcomes are achieved. (10 points)

(2) The extent to which the proposed stakeholder engagement system is likely to result in a high level of engagement with multiple potential beneficiaries or participants involved in or impacted by the proposed capacity-building activities to ensure that the proposed services reflect their needs, are delivered in a manner that is relevant and useful, and reach the largest number of recipients possible. (10 points)

(3) The extent to which the proposed personnel management system includes effective processes to enable hiring, developing, supervising, and retaining a team of subject matter and technical assistance experts, consultants and professional staff, and ensure availability of appropriate expertise and staffing at a level sufficient to effectively execute the responsibilities of key personnel to achieve the goals of the project. (10 points)

(4) The extent to which the proposed partnerships represent an intentional approach to collaboration that is likely to reduce client burden and to ensure that Federal resources are being used most efficiently and effectively to meet a variety of needs across federally funded providers. (5 points)

(c) *Subject Matter and Technical Assistance Expertise (Up to 30 points).* In determining the subject matter and technical assistance expertise of key project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have historically been underrepresented based on race, color, national origin, gender, age, or disability. (5 points)

In addition, the Secretary considers the following factors.

(1) The extent to which key project personnel demonstrate the required subject matter expertise and relevant knowledge, understanding, and experience in operating and administering State and local educational systems to effectively support recipients. (10 points)

(2) The extent to which the applicant has demonstrated exceptional technical assistance expertise in providing high-

quality, timely, relevant, and useful technical assistance and capacity-building services to State and local educational systems. (10 points)

(3) The extent to which the applicant has demonstrated the ability to develop new and ongoing partnerships with leading experts and organizations nationwide or regionally, as appropriate, that enhance its ability to provide high-quality technical assistance and subject-matter expertise. (5 points)

Priority 3—Selection Criteria for Content Centers.

(a) *Approach to Capacity Building (Up to 35 points).* In determining the overall quality of the approach to capacity building of the proposed project, the Secretary considers the following factors.

(1) The extent to which the applicant demonstrates an exceptional approach to developing and delivering high-quality, useful, and relevant capacity-building services that are likely to achieve desired recipient outcomes, including targeted and universal capacity-building services that would be expected to assist clients and recipients, including those who do not proactively request assistance, to address activities described in the priority related to the designated content area. (20 points)

(2) The extent to which the proposed approach to capacity building provides strategies that address the technical assistance needs of State and local educational systems in key areas of identified need, as evidenced by in-depth knowledge and understanding of State technical assistance needs and evidence-based practices related to the Content Center priority for which the applicant is applying. (15 points)

(b) *Quality of Project Design (Up to 35 points).* In determining the quality of the project design of the proposed Center for which the applicant is applying, the Secretary considers the following factors.

(1) The extent to which the proposed performance management and evaluation system and processes demonstrate an exceptional approach to integrating continuous improvement processes and evaluation that will result in regular and ongoing improvement in the quality of the services provided and increase the likelihood that recipient outcomes are achieved. (10 points)

(2) The extent to which the proposed stakeholder engagement system is likely to result in a high level of engagement with multiple potential beneficiaries or participants involved in or impacted by the proposed capacity-building activities to ensure that the proposed services reflect their needs, are

delivered in a manner that is relevant and useful, and reach the largest number of recipients possible. (10 points)

(3) The extent to which the proposed personnel management system includes effective processes to enable hiring, developing, supervising, and retaining a team of subject matter and technical assistance experts, consultants and professional staff, and ensure availability of appropriate expertise and staffing at a level sufficient to effectively execute the responsibilities of key personnel to achieve the goals of the project. (10 points)

(4) The extent to which the proposed partnerships represent an intentional approach to collaboration that is likely to reduce client burden and to ensure that Federal resources are being used most efficiently and effectively to meet a variety of needs across federally funded providers. (5 points)

(c) *Subject Matter and Technical Assistance Expertise (Up to 30 points).* In determining the subject matter and technical assistance expertise of key project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have historically been underrepresented based on race, color, national origin, gender, age, or disability. (5 points)

In addition, the Secretary considers the following factors.

(1) The extent to which key project personnel demonstrate the required subject matter expertise and relevant knowledge, understanding, and experience in operating and administering State and local educational systems to effectively support recipients. (10 points)

(2) The extent to which the applicant has demonstrated exceptional technical assistance expertise in providing high-quality, timely, relevant, and useful technical assistance and capacity-building services to State and local educational systems. (10 points)

(3) The extent to which the applicant has demonstrated the ability to develop new and ongoing partnerships with leading experts and organizations nationwide or regionally, as appropriate, that enhance its ability to provide high-quality technical assistance and subject-matter expertise. (5 points)

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous

award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Additional factors we consider in selecting an application for an award are as follows:

Geographic distribution: Under the ETAA (20 U.S.C. 9602 (a)(2)(A)), the Secretary must ensure that not less than one Comprehensive Center is established in each of the 10 geographic regions served by the Regional Educational Laboratories. The Secretary will consider the location of the proposed Regional Centers in the selection and negotiation of cooperative agreements to ensure that this requirement is met.

Tiebreaker: If two or more applicants for any one Center receive the same total scores, the Secretary will select among the tied applications, as appropriate, according to the following factors:

1. An application that scores higher on a selection criterion following this order will be ranked higher than an application with the same overall score: Quality of Project Design; Subject Matter and Technical Assistance Expertise; and the Approach to Capacity Building.

2. If still tied after implementing the first tiebreaker, the applicant that is a new potential grantee (as measured by the Competitive Preference Priority) will be ranked higher than an application with the same overall score.

3. If still tied after implementing the second tiebreaker, the applicant that has gone the longest without receiving a Comprehensive Centers grant will be ranked higher than an applicant with the same overall score.

4. If still tied after implementing the third tiebreaker, an applicant that has not received the highest overall score in this competition for any other Center will be ranked higher than an applicant that has received the highest overall score in this competition for any other Center.

3. Risk Assessment and Specific Conditions: Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may

impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. In General: In accordance with the Office of Management and Budget's guidance, 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

- (a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

- (b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115—232) (2 CFR 200.216);

- (c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials

produced in the United States (2 CFR 200.322); and

- (d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Open Licensing Requirements: Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. Reporting: (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

Note: Consistent with 2 CFR 200.315(b) and other applicable law, the Department may make reports, deliverables, outputs, or materials produced by Comprehensive Centers publicly available. This may include requesting that the Comprehensive Centers disseminate reports, deliverables, outputs, or materials to a wide audience (e.g., through their websites, social media, or other public-facing channels).

5. *Performance Measures:* For the purposes of reporting under 34 CFR 75.110, the following measures established in the 2019 NFP will be used by the Department to evaluate the effectiveness of each Center, as well as the Comprehensive Centers Program as a whole:

Measure 1: The extent to which Comprehensive Center clients are satisfied with the quality, usefulness, and relevance of services provided.

Measure 2: The extent to which Comprehensive Centers provide services and products to a wide range of recipients.

Measure 3: The extent to which Comprehensive Centers demonstrate that capacity-building services were implemented as intended.

Measure 4: The extent to which Comprehensive Centers demonstrate recipient outcomes were met.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things, whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with

the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Adam Schott,

*Principal Deputy Assistant Secretary,
Delegated the Authority to Perform the
Functions and Duties of the Assistant
Secretary, Office of Elementary and
Secondary Education.*

[FR Doc. 2024-09876 Filed 5-10-24; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2024-SCC-0034]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Follow-Up Surveys to the 2023-24 NTPS: 2024-25 Teacher Follow-Up Survey (TFS) and 2024-25 Principal Follow-Up

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before June 12, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by clicking on the "View Supporting Statement and Other Documents" link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, (202) 245-6347.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Follow-Up Surveys to the 2023-24 NTPS: 2024-25 Teacher Follow-Up Survey (TFS) and 2024-25 Principal Follow-Up.

OMB Control Number: 1850-0617.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 25,427.

Total Estimated Number of Annual Burden Hours: 3,868.

Abstract: This request is to conduct data collection for the two follow-up

surveys to the 2023–24 National Teacher and Principal Survey (NTPS) the 2024–25 Teacher Follow-up Survey (TFS) and the 2024–25 Principal Follow-up Survey (PFS). The 2024–25 TFS is a one year follow-up of a subsample of teachers who responded to the 2023–24 NTPS, and the 2024–25 PFS is a one year follow-up of principals who responded to the 2023–24 NTPS. The TFS and PFS are conducted by the National Center for Education Statistics (NCES), of the Institute of Education Sciences (IES), within the U.S. Department of Education (ED).

The 2024–25 TFS and 2024–25 PFS, like earlier TFS and PFS collections, will measure the one year attrition rates of teachers and principals, respectively, who leave the profession and will permit comparisons of stayers, movers, and leavers to fulfill the legislative mandate for NCES to report on the condition of education in the United States. Stayers are teachers or principals who remain in the same school between the NTPS year of data collection and the follow-up year. Movers are teachers or principals who stay in the profession but change schools between the NTPS year and the follow-up year. Leavers are NTPS respondents who leave the teaching or principal profession between the NTPS year and the follow-up year.

The 2024–25 TFS analysis file will include TFS data in addition to data collected in the 2023–24 NTPS on teacher characteristics, qualifications, perceptions of the school environment and the teaching profession, and a host of other topics. Prior TFS data have played an important role in improving the understanding of the conditions that affect the balance between teacher attrition and retention. The NTPS and TFS provide national data on turnover in the teacher workforce, including rates of attrition from teaching, sources and characteristics of newly hired teachers, and characteristics and destinations of leavers. These data help shift the debate from the issue of teacher quantity to teacher quality; that is, from a focus on teacher shortages measured only in terms of the number of teaching positions left vacant to the qualifications and years of experience of teachers who stay in the classroom versus those who leave the profession. The cross-sectional repeated design of the TFS allows the analysis of trends related to these topics.

The 2024–25 PFS analysis file will include PFS data in addition to data on principal characteristics, qualifications, and perceptions of the school environment from data collected in the

2023–24 NTPS. Together, the NTPS and PFS will provide national data on turnover in the principal workforce, including rates of attrition from principalship, sources and characteristics of newly hired principals, characteristics and destinations of leavers, and due to the cross-sectional repeated design of the PFS, analyses of trends related to these topics.

This clearance request is to conduct both 2024–25 NTPS follow-up surveys (TFS and PFS), including all recruitment and data collection activities. This request seeks authorization for the 2024–25 TFS and 2024–25 PFS under the TFS single OMB number (OMB #1850–0617).

Following a 60-day public comment period, this submission will now undergo a 30-day public comment period. This submission includes Supporting Statement Part A (justification), Part B (collection of information employing statistical methods), and Part C (item justification); Appendix A (respondent contact materials) and Appendix B (questionnaires).

Dated: May 7, 2024.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–10277 Filed 5–10–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Extension of the Application Deadline Date; Applications for New Awards; Competitive Grants for State Assessments Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: On March 8, 2024, the Department of Education (Department) published in the **Federal Register** a notice inviting applications for the fiscal year (FY) 2024 Competitive Grants for State Assessments Program (NIA), Assistance Listing Number (ALN) 84.368A. The NIA established a deadline date of May 22, 2024, for the transmittal of applications. This notice extends the deadline date for transmittal of applications until May 24, 2024, and extends the deadline for intergovernmental review until July 23, 2024.

DATES:

Deadline for Transmittal of Applications: May 24, 2024.

Deadline for Intergovernmental Review: July 23, 2024.

FOR FURTHER INFORMATION CONTACT:

Donald Peasley, U.S. Department of Education, 400 Maryland Avenue SW, Room 4B113, Washington, DC 20202–6132. Telephone: (202) 453–7982.

Email: ESEA.Assessment@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: On March 8, 2024, we published the NIA in the **Federal Register** (89 FR 16750). The NIA established a deadline date of May 22, 2024, for the transmittal of applications. This notice extends the deadline date for transmittal of applications until May 24, 2024.

Grants.gov is the system used to receive and process electronic applications for this grant competition. We are extending the deadline date for transmittal of applications because the *Grants.gov* system will be unavailable due to scheduled maintenance from May 18–21, 2024 and applicants will not be able to access *Grants.gov* during this period.

Applicants that have submitted applications on or before the original deadline date of May 22, 2024, may resubmit their applications on or before the new application deadline date of May 24, 2024, but are not required to do so. If a new application is not submitted, the Department will use the application that was submitted by the original deadline. If a new application is submitted, the Department will consider the application that was last successfully submitted and received by 11:59:59 p.m., Eastern Time, on May 24, 2024.

Note: All information in the NIA for this competition remains the same, except for the deadline for the transmittal of applications and the deadline for intergovernmental review.

Program Authority: Section 1203(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(b)(1)).

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Adam Schott,
*Principal Deputy Assistant Secretary,
Delegated the Authority to Perform the
Functions and Duties of the Assistant
Secretary, Office of Elementary and
Secondary Education.*
[FR Doc. 2024–10294 Filed 5–10–24; 8:45 am]
BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Agency Information Collection
Activities: Election Supporting
Technology Evaluation Program
Anomaly Reporting Forms

AGENCY: Election Assistance
Commission (EAC).
ACTION: Notice; request for comment.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the U.S. Election Assistance Commission (EAC) gives notice that it is requesting from the Office of Management and Budget (OMB) approval for the information

collection of one Election Supporting Technology Evaluation form. The information collected is to be used to improve the quality of election-supporting technology used in federal elections, and to collect necessary key information on election-supporting technology anomalies. Participation in this program is voluntary.

DATES: Comments must be received by 5 p.m. Eastern June 13, 2024.

ADDRESSES: Comments on the proposed form should be submitted electronically via <https://www.regulations.gov> (docket ID: EAC–2024–0001).

Written comments on the proposed information collection can also be sent to the U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001, Attn: Election Supporting Technology Evaluation Program.

FOR FURTHER INFORMATION CONTACT: Jenniffer Day, Election Technology Specialist, Election Supporting Technology Evaluation Program, Washington, DC (202)–578–6641. Email: ESTEP@eac.gov.

All requests and submissions should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:
Title and OMB Number: Election Supporting Technology Evaluation Anomaly Reporting Forms; OMB Number Pending. 89 FR 18403 (Page 18403–18404, Document Number 2024–05302).

Purpose
In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act (PRA) of 1995, EAC is submitting to the Office of Management and Budget (OMB) a request for review and approval of the information collection described. The purpose of this notice is to allow 30 days for public comment from all interested individuals and organizations.

The EAC Election Supporting Technology Evaluation Program evaluates the security and accessibility of election-supporting technologies, including electronic poll books, voter registration systems, electronic ballot delivery systems, and election night reporting databases.

The program is to publish two forms. These forms are to be used to collect initial anomaly information and anomaly root cause analysis as reported by election officials and election-supporting technology manufacturers. The information collected will be used to improve the quality of election-supporting technology used in federal elections.

Public Comments
We are soliciting public comments to permit the EAC to:

- Evaluate whether the proposed information collection is necessary and sufficient for the proper functions of the Election Supporting Technology Evaluation Program.
- Evaluate the accuracy of our estimate of burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Respondents: Election Supporting Technology Manufacturers, State and Local Election Officials.

Annual Reporting Burden
OMB approval is requested for 3 years.

ANNUAL BURDEN ESTIMATES				
Instrument	Estimated number of respondents	Total number of responses per year	Average burden hours per response	Annual burden hours
ESTEP Anomaly Reporting Form	5	5	2	50
ESTEP Root Cause Anomaly Form	5	5	16	400
Total .....	.....	10	.....	450

The estimated cost of the annualized cost of this burden is: \$37,800.

Camden Kelliher,

Acting General Counsel, U.S. Election Assistance Commission.

[FR Doc. 2024–10364 Filed 5–10–24; 8:45 am]

BILLING CODE 4810–71–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: CP24–128–000.

Applicants: Northern States Power Company—Minnesota.

Description: Northern States Power Company—Minnesota submits Application for a Blanket Certificate of Limited Jurisdiction under Section 284.224 of the Commission's Regulations.

Filed Date: 4/9/24.

Accession Number: 20240409–5231.

Comment Date: 5 p.m. ET 5/21/24.

Docket Numbers: CP24–233–000.

Applicants: NorthWestern Energy Public Service Corporation.

Description: Application of NorthWestern Public Service Corporation for a Limited Jurisdiction Certificate of Public Convenience and Necessity.

Filed Date: 4/25/24.

Accession Number: 20240425–5195.

Comment Date: 5 p.m. ET 5/21/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <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: May 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–10347 Filed 5–10–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding,

to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
1. ER24–1658–000	4–30–2024	FERC Staff. ¹
2. P–13123–002	5–3–2024	FERC Staff. ²
Exempt:		
ER23–729–000	5–2–2024	U.S. Congress. ³
EL23–19–000		

¹ Emailed comments dated 4/17/24 from Matthew Laudone.

² Emailed comments dated 5/3/24 from Mark Carrington.

³ Congressman John Sarbanes.

Debbie-Anne A. Reese,

Acting Secretary

[FR Doc. 2024–10343 Filed 5–10–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC24–77–000.

Applicants: Pioneer Transmission, LLC, John Laing Aspire HoldCo Corp, Duke Energy Transmission Holding Company, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Pioneer Transmission, LLC, et al.

Filed Date: 5/6/24.

Accession Number: 20240506–5157.

Comment Date: 5 p.m. ET 5/28/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–136–002.

Applicants: Sunlight Storage II, LLC.

Description: Notice of Change in Status of Sunlight Storage II, LLC.

Filed Date: 4/30/24.

Accession Number: 20240430–5648.

Comment Date: 5 p.m. ET 5/21/24.

Docket Numbers: ER24–1953–000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2024–05–07 SA 4283 Ameren IL-Moonshine Solar GIA (J1382) to be effective 4/24/2024.

Filed Date: 5/7/24.

Accession Number: 20240507–5041.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER24–1954–000.

Applicants: Midcontinent

Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2024–05–07 SA 4286 Ameren Illinois-Geranium Solar E&P (J1712) to be effective 5/8/2024.

Filed Date: 5/7/24.

Accession Number: 20240507–5052.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER24–1955–000.

Applicants: Wisconsin Public Service Corporation.

Description: § 205(d) Rate Filing: Updated FERC Form 1 References to be effective 7/7/2024.

Filed Date: 5/7/24.

Accession Number: 20240507–5053.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER24–1956–000.

Applicants: California Independent

System Operator Corporation.

Description: § 205(d) Rate Filing: 2024–05–07 Planning Coordinator Agreement—2nd Amendment—Silicon Valley Power to be effective 5/8/2024.

Filed Date: 5/7/24.

Accession Number: 20240507–5082.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER24–1958–000.

Applicants: Union Electric Company, Huck Finn Solar, LLC.

Description: § 205(d) Rate Filing: Union Electric Company submits tariff filing per 35.13(a)(2)(iii): 2024–05–07 Filing of Test Power Agreement with Union Electric Company to be effective 7/7/2024.

Filed Date: 5/7/24.

Accession Number: 20240507–5109.

Comment Date: 5 p.m. ET 5/28/24.

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.

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Dated: May 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–10348 Filed 5–10–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL24–107–000.

Applicants: Pacific Gas and Electric Company.

Description: Petition for Declaratory Order of Pacific Gas and Electric Company.

Filed Date: 4/30/24.

Accession Number: 20240430–5643.

Comment Date: 5 p.m. ET 5/30/24.

Docket Numbers: EL24–108–000.

Applicants: New York Power Authority.

Description: Petition for Declaratory Order of New York Power Authority.

Filed Date: 4/25/24.

Accession Number: 20240425–5332.

Comment Date: 5 p.m. ET 5/28/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER23–93–002.

Applicants: Consumers Energy Company.

Description: Compliance filing: Wholesale Distribution Tariff & WDS SAs—Docket No. ER23–93 to be effective 12/14/2022.

Filed Date: 5/6/24.

Accession Number: 20240506–5118.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER23–2935–003.

Applicants: Midcontinent Independent System Operator, Inc., Northern Indiana Public Service Company LLC.

Description: Tariff Amendment: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.17(b): 2024–05–06 Amendment NIPSCO Request for Depreciation Rates-Additional Supplement to be effective 12/31/9998.

Filed Date: 5/6/24.

Accession Number: 20240506–5100.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER24–1196–001.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): Brush Creek Renewables LGIA Deficiency Response to be effective 1/24/2024.

Filed Date: 5/6/24.

Accession Number: 20240506–5082.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER24–1214–001.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): Shortleaf Solar LGIA Deficiency Response to be effective 1/30/2024.

Filed Date: 5/6/24.

Accession Number: 20240506–5081.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER24–1328–001.

Applicants: Atrisco Solar LLC.

Description: Tariff Amendment: Response to Deficiency Letter in Docket ER24–1328–000 to be effective 5/1/2024.

Filed Date: 5/3/24.

Accession Number: 20240503–5205.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1329–001.

Applicants: Atrisco Energy Storage LLC.

Description: Tariff Amendment: Response to Deficiency Letter in ER24–1329–000 to be effective 5/1/2024.

Filed Date: 5/3/24.

Accession Number: 20240503–5209.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1330–001.

Applicants: Quail Ranch Solar LLC.

Description: Tariff Amendment: Response to Deficiency Letter in Docket ER24–1330 to be effective 8/1/2025.

Filed Date: 5/3/24.

Accession Number: 20240503–5212.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1331–001.

Applicants: Quail Ranch Energy Storage LLC.

Description: Tariff Amendment: Response to Deficiency Letter in ER24–1331–000 to be effective 8/1/2025.

Filed Date: 5/3/24.

Accession Number: 20240503–5215.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1943–000.

Applicants: Puget Sound Energy, Inc.

Description: § 205(d) Rate Filing: HF Sinclair NITSA, NOA and IA to be effective 5/1/2024.

Filed Date: 5/3/24.

Accession Number: 20240503–5197.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1944–000.

Applicants: Puget Sound Energy, Inc.

Description: § 205(d) Rate Filing: Air Liquide NITSA, NOA and IA to be effective 5/1/2024.

Filed Date: 5/3/24.

Accession Number: 20240503–5204.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1945–000.

Applicants: Puget Sound Energy, Inc.

Description: § 205(d) Rate Filing: Tesoro NITSA, NOA and IA to be effective 5/1/2024.

Filed Date: 5/3/24.

Accession Number: 20240503–5219.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1946–000.

Applicants: Keystone Appalachian Transmission Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Keystone Appalachian Transmission Company submits tariff filing per 35.13(a)(2)(iii): KATCo submits Operating and Interconnection Agreement, SA No. 6650 to be effective 7/8/2024.

Filed Date: 5/6/24.

Accession Number: 20240506–5041.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER24–1947–000.

Applicants: Keystone Appalachian Transmission Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Keystone Appalachian Transmission Company submits tariff filing per 35.13(a)(2)(iii): KATCo submits one Construction Agreement SA No. 6937 to be effective 7/8/2024.

Filed Date: 5/6/24.

Accession Number: 20240506–5043.

Comment Date: 5 p.m. ET 5/28/24.

Docket Numbers: ER24–1948–000.

Applicants: Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc.

Description: Post-Retirement Benefits Other than Pensions for 2023 Calendar Year of Entergy Arkansas, LLC, et al.

Filed Date: 5/3/24.

Accession Number: 20240503–5247.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1949–000.

Applicants: Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc.

Description: Annual Informational Filing regarding Prepaid Pension Cost and Accrued Pension Cost of Entergy Arkansas, LLC, et al.

Filed Date: 5/3/24.

Accession Number: 20240503–5248.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1950–000.

Applicants: System Energy Resources, Inc.

Description: Annual Informational Filing regarding Prepaid Pension Cost and Accrued Pension Cost of System Energy Resources, Inc.

Filed Date: 5/3/24.

Accession Number: 20240503–5250.

Comment Date: 5 p.m. ET 5/24/24.

Docket Numbers: ER24–1951–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF-City of Quincy NITSA SA No. 153 to be effective 4/21/2024.

Filed Date: 5/6/24.

Accession Number: 20240506–5066.

Comment Date: 5 p.m. ET 5/28/24.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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.

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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: May 6, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–10269 Filed 5–10–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF24–2–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned Southeast Supply Enhancement Project, and Notice of Public Scoping Session

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Southeast Supply Enhancement

Project involving construction and operation of facilities by Transcontinental Gas Pipe Line Company, LLC (Transco) in Virginia, North Carolina, South Carolina, Georgia, and Alabama. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission’s NEPA process is described below in the NEPA Process and Environmental Document section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on June 6, 2024. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the Public Participation section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written and oral comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on February 1, 2024, you will need to file those comments in Docket No. PF24–2–000 to ensure they are considered.

This notice is being sent to the Commission’s current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned

project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

A fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” addresses typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (www.ferc.gov) under the Natural Gas, Landowner Topics link.

Public Participation

There are four methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or FercOnlineSupport@ferc.gov.

(1) You can file your comments electronically using the eComment feature, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing

you are making; a comment on a particular project is considered a “Comment on a Filing”; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (PF24–2–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

(4) In lieu of sending written comments, the Commission invites you to attend the virtual public scoping session its staff will conduct by telephone, scheduled as follows:

Date and Time

Tuesday, May 21, 2024

6:00 p.m. Eastern Daylight Time

Call in number: 888–810–4938

Participant passcode: 2443865

Note that the scoping session will start at 6:00 p.m. and will end once all participants wishing to comment have had the opportunity to do so, or at 8:00 p.m., whichever comes first. Individual oral comments will be taken one at a time with a court reporter present on the line.

There will be a brief introduction by Commission staff when the session opens, so please attempt to call in at the beginning of the session. All participants will be able to hear the comments provided by other participants; however, all lines will remain closed during the comments of others and then opened one at a time for providing comments. Once you call in, the operator will provide directions on how to indicate you would like to provide a comment. A time limit of 3 minutes may be implemented for each commentor.

Your oral comments will be recorded by the court reporter and become part of the public record for this proceeding. Transcripts of all comments received during the scoping session will be publicly available on FERC’s eLibrary system (see the last page of this notice for instructions on using eLibrary).

FERC staff intend to conduct additional in-person public scoping sessions in the Project area. Once scheduled, scoping meeting dates, times, and locations will be provided in a separate notice at least two weeks prior to the date of the meeting(s).

Additionally, the Commission offers a free service called eSubscription, which

makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Summary of the Planned Project

Transco plans to construct, modify, and operate natural gas pipeline facilities along its existing pipeline system in Virginia, North Carolina, South Carolina, Georgia, and Alabama. The Southeast Supply Enhancement Project would provide 1,586,900 Dekatherms per day of new firm transportation capacity to the mid-Atlantic and southeast United States. According to Transco, its project would remove pipeline capacity constraints and meet growing natural gas-fired power generation, commercial, residential, and industrial demand in the region. The Southeast Supply Enhancement Project would consist of the facilities listed below.

- Construction of approximately 30.6 miles of 42-inch-diameter pipeline in Pittsylvania County, Virginia and Rockingham County, North Carolina, designated as the Eden Loop.¹

- Construction of approximately 24.0 miles of 42-inch-diameter pipeline in Guilford, Forsyth, and Davidson Counties, North Carolina, designated as the Salem Loop.

- Addition of compressor units at the following existing Transco compressor stations (CS):

- CS 165 in Pittsylvania County, Virginia (two compressor units);
- CS 155 in Davidson County, North Carolina (three compressor units); and
- CS 150 in Iredell County, North Carolina (one compressor unit).

- Replacement of three existing compressor units with larger compressor units at Transco's existing CS 145 in Cleveland County, North Carolina.

- Piping modifications at the following existing Transco compressor stations:

- CS 135 in Anderson County, South Carolina;
- CS 125 in Walton County, Georgia;
- CS 120 in Henry County, Georgia; and
- CS 105 in Coosa County, Alabama.
- Regulator installation on the Eden Loop near mileposts 1382.5 and 1382.7 in Rockingham County, North Carolina and at CS 120 in Henry County, Georgia.

The general location of the project facilities is shown in appendix 1.

Land Requirements for Construction

Based on preliminary estimates, construction of the planned facilities would disturb about 961 acres of land for the aboveground facilities and the pipeline. Following construction, Transco would maintain about 392 acres for permanent operation of the project's facilities; the remaining acreage would be restored. Most of the planned pipeline route parallels Transco's existing pipeline rights-of-way.

NEPA Process and the Environmental Document

Any environmental document issued by Commission staff will discuss impacts that could occur as a result of the construction and operation of the planned project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- environmental justice;
- air quality and noise;
- reliability and safety; and
- climate change.

Commission staff will also evaluate reasonable alternatives to the planned project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Although no formal application has been filed, Commission staff have already initiated a NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is

to encourage early involvement of interested stakeholders and to identify and resolve issues before the Commission receives an application. As part of the pre-filing review, Commission staff will contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the environmental document.

If a formal application is filed, Commission staff will then determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the environmental issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its determination on the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued once an application is filed, which will open an additional public comment period. Staff will then prepare a draft EIS that will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS, and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary² and the Commission's natural gas environmental documents web page (<https://www.ferc.gov/industries-data/natural-gas/environmental-environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate in the preparation of the environmental document.³ Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

² For instructions on connecting to eLibrary, refer to the last page of this notice.

³ The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at 40 CFR 1501.8.

¹ A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.⁴ The environmental document for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to GasProjectAddressChange@ferc.gov stating your request. You must include the docket number PF24-2-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address

as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached "Mailing List Update Form" (appendix 2).

Becoming an Intervenor

Once Transco files its application with the Commission, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Only intervenors have the right to seek rehearing of the Commission's decision and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at <https://www.ferc.gov/how-intervene>. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project, after which the Commission will issue a public notice that establishes an intervention deadline.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website (www.ferc.gov) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-10344 Filed 5-10-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC24-12-000]

Commission Information Collection Activities (FERC-582) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-582, Electric Fees, Annual Charges, Waivers, and Exemptions, OMB Control Number 1902-0132, which will be submitted to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collection of information are due June 12, 2024.

ADDRESSES: Send written comments on FERC-582 to OMB through www.reginfo.gov/public/do/PRAMain. Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902-0132) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC24-12-000 and FERC-582) 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, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at

⁴ The Advisory Council on Historic Preservation regulations are at 36 CFR part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

www.reginfo.gov/public/do/PRAMain. Using the search function under the “Currently Under Review” field, select Federal Energy Regulatory Commission; click “submit,” and select “comment” to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at <https://www.ferc.gov/ferc-online/overview>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov/ferc-online/overview>.

FOR FURTHER INFORMATION CONTACT: Jean Sonneman may be reached by email at DataClearance@FERC.gov, telephone at (202) 502–6362.

SUPPLEMENTARY INFORMATION:

Title: FERC–582, Electric Fees, Annual Charges, Waivers, and Exemptions.

OMB Control No.: 1902–0132.

Type of Request: Three-year extension of the FERC–582 information collection requirements with no changes to the current reporting requirements.

Abstract: The information required by FERC–582 is listed at 18 CFR parts 381 and 382.

The Commission uses the FERC–582 information to implement the Independent Offices Appropriation Act of 1952.¹ That statute authorizes the Commission to establish fees for its services. In addition, the Omnibus Budget Reconciliation Act of 1986² authorizes the Commission to assess and collect fees and annual charges in any fiscal year in amounts equal to all the costs incurred by the Commission in that fiscal year.

To comply with the collection of information at FERC–582, respondents must submit to the Commission the sum of the megawatt-hours (MWh) of all unbundled transmission (including MWh delivered in wheeling transactions and MWh delivered in exchange transactions) and the megawatt-hours of all bundled wholesale power sales (to the extent the bundled wholesale power sales were not separately reported as unbundled transmission). The data collected in the FERC–582 information collection are drawn directly from the FERC Form 1 (Annual Report of Major Electric Utilities, Licensees and Others)³ transmission data. The Commission sums the costs of its electric regulatory

program and subtracts all electric regulatory program filing fee collections to determine the total collectible electric regulatory program costs. Then, the Commission uses the data submitted under FERC–582 to determine the total megawatt-hours of transmission of electric energy in interstate commerce. Respondents (public utilities and power marketers) subject to these annual charges must submit FERC–582 data to the Commission by April 30 of each year.⁴ The Commission issues bills for annual charges to respondents. Then, respondents must pay the charges within 45 days of the Commission’s issuance of the bill.

Respondents may file requests for waivers and exemptions of fees and charges⁵ based on need. The Commission’s staff uses the filer’s financial information to evaluate the request for a waiver or exemption of the obligation to pay a fee or an annual charge.

The Commission published a 60-day notice for FERC–582 on March 7, 2024 (89 FR 16556), with a comment due date of May 6, 2024. The Commission received no comments in response.

Estimate of Annual Burden: The Commission estimates the burden⁶ and cost⁷ for this information collection as follows.

FERC–582, ELECTRIC FEES, ANNUAL CHARGES, WAIVERS, AND EXEMPTIONS

Number of respondents	Annual No. of responses per respondent	Total No. of responses	Average burden & cost per response	Total annual burden hrs. & cost	Cost per respondent
(1)	(2)	(1) x (2) = (3)	(4)	(3) * (4) = (5)	(5)/(1)=(5)
51	1	51	2.39 hrs. \$239.00	122 hrs. \$12,189.00 (rounded)	\$239.00

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: May 7, 2024.

Debbie-Anne Reese,

Acting Secretary.

[FR Doc. 2024–10345 Filed 5–10–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF24–4–000]

Western Area Power Administration; Notice of Filing

Take notice that on May 2, 2024, Western Area Power Administration submitted a tariff filing per 10 CFR 903.23: CRSP_FA_WAPA216–20240501 to be effective 6/8/2024.

Any person desiring to intervene or to protest this filing must file in

explanation of what is included in the information collection burden, refer to 5 CFR part 1320.

⁷ The Commission staff estimates that the average respondent for FERC–582 is similarly situated to the Commission, in terms of salary plus benefits. Based on FERC’s current annual average of \$207,786 (for salary plus benefits), the average hourly cost is \$100/hour.

¹ 31 U.S.C. 9701.

² 42 U.S.C. 7178.

³ OMB Control No. 1902–0021, described in 18 CFR 141.1

⁴ 18 CFR 382.201

⁵ This includes requirements of 18 CFR 381.105 (methods of payment), 381.106 (waiver), 381.108

(exemption), 381.302 (declaratory order), 381.303 (review of DOE remedial order), 381.304 (DOE denial of adjustment), and 381.305 (OGC interpretation).

⁶ 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

accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern Time on June 3, 2024.

Dated: May 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-10346 Filed 5-10-24; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OLEM-2016-0465, FRL-11935-01-OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Information Requirements for Boilers and Industrial Furnaces (Renewal), EPA ICR No. 1361.19, OMB Control No. 2050-0073

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), "Information Requirements for Boilers and Industrial Furnaces (Renewal)", EPA ICR No. 1361.19, OMB Control No. 2050-0073) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described in **SUPPLEMENTARY INFORMATION**. This is a proposed extension of the ICR, which is currently approved through January 31, 2025. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before July 12, 2024.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA-HQ-OLEM-2016-0465, at <https://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.

FOR FURTHER INFORMATION CONTACT:

Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-566-0453; vyas.peggy@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through January 31, 2025. 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 <http://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: EPA regulates the burning of hazardous waste in boilers, incinerators, and industrial furnaces (BIFs) under 40 CFR parts 63, 264, 265, 266 and 270. This ICR describes the paperwork requirements that apply to the owners and operators of BIFs. This includes the general facility requirements at 40 CFR parts 264 and 265, subparts B thru H; the requirements applicable to BIF units at 40 CFR part 266; and the RCRA Part B permit application and modification requirements at 40 CFR part 270.

Form Numbers: None.

Respondents/affected entities:

Business or other for-profit.

Respondent's obligation to respond: Mandatory (per 40 CFR 264, 265, and 270).

Estimated number of respondents: 36.

Frequency of response: On occasion.

Total estimated burden: 39,758 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$0 in annualized capital/startup, and \$2,823,121 in annualized operation & maintenance costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: May 3, 2024.

Carolyn Hoskinson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2024–10411 Filed 5–10–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0690, FRL–11936–01–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; General Hazardous Waste Facility Standards (Renewal), EPA ICR No. 1571.14, OMB Control No. 2050–0120

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), “General Facility Standards (Renewal)”, EPA ICR No. 1571.14, OMB Control No. 2050–0120 to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described in **SUPPLEMENTARY INFORMATION**. This is a proposed extension of the ICR, which is currently approved through January 31, 2025. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before July 12, 2024.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0690, at <https://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.

FOR FURTHER INFORMATION CONTACT:

Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–0453; vyas.peggy@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through January 25, 2025. 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 <http://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: Section 3004 of the Resource Conservation and Recovery Act (RCRA), as amended, requires the EPA to develop standards for hazardous waste treatment, storage, and disposal facilities (TSDFs) as may be necessary to protect human health and the environment. Subsections 3004(a)(1), (3), (4), (5), and (6) specify that these standards include, but not be limited to, the following requirements:

- Maintaining records of all hazardous wastes identified or listed under subtitle C that are treated, stored, or disposed of, and the manner in which such wastes were treated, stored, or disposed of;

- Operating methods, techniques, and practices for treatment, storage, or disposal of hazardous waste;

- Location, design, and construction of such hazardous waste treatment, disposal, or storage facilities;

- Contingency plans for effective action to minimize unanticipated damage from any treatment, storage, or disposal of any such hazardous waste; and

- Maintaining or operating such facilities and requiring such additional qualifications as to ownership, continuity of operation, training for personnel, and financial responsibility as may be necessary or desirable.

The regulations implementing these requirements are codified in 40 CFR parts 264 and 265. The collection of this information enables the EPA to properly determine whether owners/operators or hazardous waste treatment, storage, and disposal facilities meet the requirements of section 3004(a) of RCRA.

Form Numbers: None.

Respondents/affected entities: Business and other for-profit, as well as State, local, and Tribal governments.

Respondent’s obligation to respond: Mandatory (RCRA section 3004).

Estimated number of respondents: 1191.

Frequency of response: On occasion.

Total estimated burden: 558,042 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$37,504,209 (per year), which includes \$337,223 annualized capital or operation & maintenance costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: May 3, 2024.

Carolyn Hoskinson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2024–10412 Filed 5–10–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OLEM-2018-0756; FRL-11934-01-OLEM]

Requirements for Generators, Transporters, and Waste Management Facilities Under the RCRA Hazardous Waste Manifest System (Renewal), EPA ICR No. 801.26, OMB Control No. 2050-0039

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), “Requirements for Generators, Transporters, and Waste Management Facilities under the RCRA Hazardous Waste Manifest System” (EPA ICR Number 0801.26, OMB Control Number 2050-0039) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described in **SUPPLEMENTARY INFORMATION**. This is a proposed extension of the ICR, which is currently approved through January 31, 2025. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before July 12, 2024.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA-HQ-OLEM-2018-0756, at <https://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. Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Bryan Groce, Office of Resource Conservation and Recovery, Program Implementation and Information Division, (5303T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-0339; email address: groce.bryan@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through January 31, 2025. 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 <http://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 Information Collection Request covers recordkeeping and reporting activities for the hazardous waste manifest paper and electronic system under the Resource Conservation and Recovery Act (RCRA) and the Hazardous Waste Electronic Manifest Establishment Act (Pub. L. 112-195). EPA’s authority to require use of a manifest system stems primarily from RCRA 3002(a)(5) (also RCRA Sections 3003(a)(3) and 3004). Regulations are found in 40 CFR part 262 (registrant organizations and generators), part 263 (transporters), and parts 264 and 265 (TSDFs). The manifest lists the wastes that are being shipped and the TSDF to which the wastes are bound. Generators,

transporters, and TSDFs handling hazardous waste are required to complete the data requirements for manifests and other reports primarily to: (1) track each shipment of hazardous waste from the generator to a designated facility; (2) provide information requirements sufficient to allow the use of a manifest in lieu of a Department of Transportation (DOT) shipping paper or bill of lading, thereby reducing the duplication of paperwork to the regulated community; (3) provide information to transporters and waste management facility workers on the hazardous nature of the waste; (4) inform emergency response teams of the waste’s hazard in the event of an accident, spill, or leak; and (5) ensure that shipments of hazardous waste are managed properly and delivered to their designated facilities. The Hazardous Waste Electronic Manifest Establishment Act provided EPA authority to establish the national electronic hazardous waste manifest system to track hazardous waste shipments electronically. The Act also provided EPA authority to adopt regulations that (1) allow it to accept electronic manifests originated in the e-Manifest system as the legal equivalent to paper manifests; (2) require manifest users to submit paper copies of the manifest to the system for data processing; (3) collect manifests in the e-Manifest system for hazardous waste subject to federal or state law; and (4) set up user fees to offset the costs of developing and operating the e-Manifest system.

Pursuant to the Act, EPA modified the manifest regulations on February 7, 2014 (the e-Manifest “One Year Rule”), to authorize use of electronic manifests (or e-Manifests) for tracking offsite shipments of hazardous waste from a generator’s site to the site of the receipt and disposition of the hazardous waste. On January 3, 2018, EPA finalized the e-Manifest User Fee Final Rule which established the fee methodology that EPA uses to determine the user fees applicable to the electronic and paper manifests submitted to the national system. EPA launched the e-Manifest system on June 30, 2018. TSDFs and other receiving facilities must submit manifests, both paper and electronic, to EPA. In addition to fees for RCRA wastes, EPA is charging TSDFs and other facilities receiving state-only regulated wastes a fee for each manifest submitted to the system. Regulations regarding copy submission requirements for interstate shipments and the applicability of e-Manifest system and fees to facilities receiving state-only

regulated wastes are found in 40 CFR part 260 (Hazardous Waste Management System). Regulations regarding imposition of user fees on receiving facilities for their manifest submissions, with references to key fee methodology, fee dispute, and fee sanction requirements are found in parts 264 and 265.

Form Numbers: Form 8700–22 and 8700–22A.

Respondents/affected entities:

Business or other for-profit.

Respondent's obligation to respond:

Mandatory (RCRA 3002(a)(5)).

Estimated number of respondents: 106,136 (total).

Frequency of response: Each shipment.

Total estimated burden: 2,362,089 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$118,940,729 (per year), which includes \$29,043,234 annualized capital and operation & maintenance costs.

Changes in the Estimates: There is no increase nor decrease hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Dated: May 3, 2024.

Carolyn Hoskinson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2024–10410 Filed 5–10–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

TIME AND DATE: Thursday, May 16, 2024, 10 a.m.

PLACE: Hybrid meeting: 1050 First Street, NE Washington, DC (12th Floor) and virtual.

Note: if you would like to virtually access the meeting, see the instructions below.

STATUS: This meeting will be open to the public. To access the meeting virtually, go to the Commission's website www.fec.gov and click on the banner to be taken to the meeting page.

MATTERS TO BE CONSIDERED:

Proposed Directive Concerning Requests to Withhold, Redact, or Modify Contributors' Identifying Information Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer. Telephone: (202) 694–1220.

Individuals who plan to attend in person and who require special assistance, such as sign language

interpretation or other reasonable accommodations, should contact Laura E. Sinram, Secretary and Clerk, at (202) 694–1040 or secretary@fec.gov, at least 72 hours prior to the meeting date.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Laura E. Sinram,

Secretary and Clerk of the Commission.

[FR Doc. 2024–10503 Filed 5–9–24; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 28, 2024.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager), P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent

electronically to

Comments.applications@stls.frb.org:

1. *Ethel Archer Davis; Frank Archer Davis, Sr., individually and as trustee of the Frank Archer Davis, Jr. Trust, the John Leland Davis Trust, and the Minor Child Trust; William Hull Davis, Jr., individually and as trustee of the William Hull Davis, III Trust, the Grace Ann Davis Trust, the George Newman Davis Trust, and the Samuel McTyeire Davis Trust, all of Corinth, Mississippi; to form the Davis Family Control Group, a group acting in concert, to retain voting shares of Commerce Holding Corporation, and thereby indirectly retain voting shares of Commerce Bank, both of Corinth, Mississippi.*

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–10406 Filed 5–10–24; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: May 21, 2024, at 10:00 a.m. EDT.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 975 038 707 #; or via web: https://teams.microsoft.com/join/19%3ameeting_MTdiNTcyNmItMDBmYi00NWExLThiNWEtODc1NTQ1NTk0YjQ4%40thread.v2/0?context=%7b%22id%22%3a%22f6323b7-e3fd-4f35-b43d-1a7afae5910d%22%2c%22oid%22%3a%221a441fb8-5318-4ad0-995b-f28a737f4128%22%7d.

FOR FURTHER INFORMATION CONTACT:

Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the April 23, 2024, Board Meeting Minutes
2. Approval of October 19, 2023, ETAC Meeting Minutes
3. Monthly Reports
 - (a) Participant Report
 - (b) Investment Report
 - (c) Legislative Report
4. Quarterly Reports
 - (d) Metrics
5. L Funds Study
6. OPE Annual Presentation

Closed Session

7. Information covered under 5 U.S.C. 552b (c)(9)(B) and (c)(10).

Authority: 5 U.S.C. 552b (e)(1).

Dated: May 8, 2024.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2024–10338 Filed 5–10–24; 8:45 am]

BILLING CODE 6760–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–IEB–2024–02; Docket No. 2024–0002; Sequence No. 20]

Privacy Act of 1974; System of Records

AGENCY: Office of IEB; General Services Administration (GSA).

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, notice is given that the General Services Administration (GSA) proposes to modify an existing system of records, entitled *Login.gov* (GSA/TTS–1). GSA maintains this system of records to provide a secure sign-in service with the capability to authenticate and identity proof users before the user is granted access to participating government websites or applications.

DATES: Submit comments on or before June 12, 2024. Routine use “f.” will be effective June 12, 2024.

ADDRESSES: Comments may be submitted to the Federal eRulemaking Portal, <http://www.regulations.gov>. Submit comments by searching for GSA/TTS–1.

FOR FURTHER INFORMATION CONTACT: Call or email Richard Speidel, Chief Privacy Officer at 202–969–5830 and gsa.privacyact@gsa.gov.

SUPPLEMENTARY INFORMATION: GSA proposes to modify a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. GSA is modifying the categories of records in the system, routine uses of records maintained in the system, and the policies and practices for retention and disposal of records. This modification is intended to revise and replace all notices previously describing this system of records.

GSA is also making technical changes to GSA/TTS–1 consistent with OMB Circular No. A–108. Accordingly, GSA has made technical corrections and non-substantive language revisions to the “Policies and Practices for Storage of Records” and “Contesting Record Procedures” sections.

SYSTEM NAME AND NUMBER:

Login.gov, GSA/TTS–1

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

General Services Administration owns Login.gov, which is housed in secure data centers in the continental United States. Contact the System Manager listed below for additional information.

SYSTEM MANAGER(S):

Daniel Lopez-Braus, Director, *Login.gov*, TTS, Office of Solutions, General Services Administration, 1800 F Street NW, Washington, DC 20405. <https://www.login.gov>.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E-Government Act of 2002 (Pub. L. 107–347, 44 U.S.C. 3501 note), 6 U.S.C. 1523 (b)(1)(A)–(E), and 40 U.S.C. 501.

PURPOSE(S) OF THE SYSTEM:

The purposes of the system are:

- to provide a secure sign-in service with the capability to authenticate and identity proof users before the user is granted access to participating government websites or applications;
- to prevent fraud and to protect the integrity of the *Login.gov* system; and
- to conduct studies into enhancements to the secure sign-in service, including demographic studies of the equitable performance of new technologies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system of records include members of the public seeking electronic access to a website or application from a Federal, State, or local agency that has integrated with *Login.gov* (“partner agency”) and participants in studies commissioned by GSA to evaluate equitable performance of new identity verification and fraud prevention technologies.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information provided by individuals who create and use *Login.gov* accounts. There are two types of accounts in the *Login.gov* system: records related to the process of authenticating a *Login.gov* user's account, and records related to the process in which an individual's identity is verified.

For accounts for which *Login.gov* is authenticating the user, the system collects and maintains:

- email address,
- password,
- and phone number (optionally).ntains:

For remote (but not in-person) verification of accounts that require a verified identity, the system collects the following after each identity proofing transaction:

- photographs of their government-issued ID, to include all personal information and images on the ID; and
- a self-photograph of the user.

ID card images and data collected from government-issued IDs are assessed to determine the document's authenticity as part of the identity verification process. Self-photographs of the user are only collected when partner agencies require verification by biometric comparison, a process that involves comparing the user's self-photograph to the portrait on their government-issued ID.

For all accounts that require a verified identity, the system collects and maintains:

- Social Security Number (SSN); and
 - phone number or postal address.
- Each third-party identity proofing service will send information back to *Login.gov* about its attempt to identity proof the user, including:
- Transaction ID;
 - pass/fail indicator;
 - date/time of transaction; and
 - status codes associated with the transaction data.

Each partner agency whose services the user accesses via *Login.gov* may add its own unique identifier to that user's account information.

To protect the public and the integrity of the system, *Login.gov* needs to detect and prevent fraud while providing redress to users who were unable to complete identity verification. To that end, *Login.gov* will also obtain a collection of information about the device (a “Device ID”) including, for example browser type and internet protocol (IP) address, and usage patterns (e.g., keyboard, mouse, or touchscreen behavior) used to access their *Login.gov* account. The Device ID and usage patterns are assessed by a third-party fraud prevention service along with the other information collected by *Login.gov*. The third-party fraud prevention services provide *Login.gov* risk scores for all of the information assessed, and also provide other identifying attributes that have been associated with that same Device ID in the past. Those identifying attributes include, but are not limited to, names, addresses, phone numbers, and SSNs that have been associated with the Device ID.

Separate from *Login.gov*'s active sign-on service, GSA may also conduct studies in which it temporarily collects information from voluntary participants

to evaluate the equitable performance of new technologies and guide service improvements. In addition to the categories of records previously described, collection of information for studies could include, but is not limited to:

- demographic information such as race, ethnicity, gender, income, age, and education.

For further details about Login's data use and privacy policies, refer to the *Login.gov* Privacy Impact Assessment. <https://www.gsa.gov/reference/gsa-privacy-program/privacy-impact-assessments-pia>.

RECORD SOURCE CATEGORIES:

The sources for information in the system include individual *Login.gov* users, participants in GSA-commissioned studies, third-party identity-proofing services, partner agencies, and third-party fraud prevention services. Individual users and research participants provide information needed to authenticate themselves, verify their identity, or voluntarily respond to research surveys. Each third-party identity proofing service provides transaction details about their attempt to identity proof a user. Partner agencies may provide their own unique identifier to that user's account information. Third party fraud prevention services provide risk scores and identity attributes associated with a user's Device ID.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside GSA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

- To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (a) GSA or any component thereof, or (b) any employee of GSA in his/her official capacity, or (c) any employee of GSA in his/her individual capacity where DOJ or GSA has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and GSA determines that the records are both relevant and necessary to the litigation.
- To third parties providing remote or in-person authentication and identity

proofing services, inclusive of other Federal agencies providing such services, as necessary to authenticate and/or identity proof an individual for access to a participating government website or application;

- To an appropriate Federal, State, Tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

- To a Member of Congress or his or her staff in response to a request made on behalf of and at the request of the individual who is the subject of the record.

- To the Office of Management and Budget (OMB), Office of Inspector General (OIG), and the Government Accountability Office (GAO) in accordance with their responsibilities for evaluation or oversight of Federal programs.

- To compare such records to other agencies' systems of records or to non-Federal records, in coordination with an OIG in conducting an audit, investigation, inspection, evaluation, or some other review as authorized by the Inspector General Act.

- To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant and necessary.

- To the National Archives and Records Administration (NARA) for records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

- To appropriate agencies, entities, and persons when (1) GSA suspects or has confirmed that there has been a breach of the system of records; (2) GSA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, GSA (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

- To another Federal agency or Federal entity, when GSA determines that information from this system of

records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

- To the Government Publishing Office (GPO), when *Login.gov* needs to mail a user an address confirmation form or if a user requests mailed notifications of account changes or of proofing attempts.

- To other Federal agencies and third-party fraud prevention services as necessary to detect and investigate suspected fraud, including providing redress to users.

- To third-party identity proofing services and fraud prevention services when participating in studies commissioned by the GSA to evaluate the equitable performance of new technologies and guide service improvements.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records are stored electronically in a database. Information is encrypted in transit and at rest.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records retrieval practices vary based on the type or category of record in the system.

- When a user logs in, *Login.gov* retrieves their email and phone number (if provided) to send the user a one-time passcode.

- When a user accesses a participating government website or application that requires the user's identity attributes, the following retrieval practice occurs:

- The user successfully logs into their account (enabling decryption and retrieval of certain records);

- Login.gov* decrypts and retrieves the user's verified personal information (full name, date of birth, postal address, and Social Security Number); and

- Login.gov* requests that the user provide consent to share the personal information requested by the participating government site.

- When a user with verified identity is recovering access to their account, the following retrieval practice occurs:

- The user successfully authenticates their account when requesting to reset their *Login.gov* password;

- The user provides their personal recovery code (enabling decryption and

retrieval of the records) and selects a new password;

iii. *Login.gov* retrieves the user's verified personal information (full name, date of birth, postal address, and Social Security Number);

iv. These attributes are then encrypted with the user's new password.

d. When *Login.gov* is performing fraud investigation and redress, the following retrieval practices occur:

i. Only trained *Login.gov* fraud operations personnel have access to records maintained specifically for fraud prevention purposes. This includes Device IDs and usage patterns associated with personal identifiers and risk scores as described in the Categories of Records in the System.

ii. *Login.gov* fraud operations personnel retrieve personal information (full name, date of birth, postal address and Social Security Number) from third-party identity proofing services while completing a manual review of a user's identity proofing transaction.

e. When GSA is conducting studies into enhancements to the secure sign-in service, data from voluntary participants' surveys and identity-proofing transactions are retrieved by GSA and third-party contractors to conduct statistical analysis of the performance of new technologies. Data from *Login.gov*'s active service is not retrieved during these studies.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposal policies and practices vary based on the type or category of record in the system.

a. Records related to active user authentication and validated user identities will be retained and disposed of in accordance with NARA's General Records Schedule (GRS) 3.2, item 30 "System access records" covering records such as user profiles, log-in files, password files, audit trail files and extracts, system usage files, and cost-back files used to assess charges for system use." The guidance instructs, "Destroy when business use ceases."

b. Records related to identity verification attempts, including personal information entered by the user, may be retained by *Login.gov* in accordance with NARA's General Records Schedule (GRS) 3.2, item 30 to aid in fraud investigation, redress, or product improvement.

c. Records related to fraud prevention operations, such as Device IDs and user behaviors with associated identity attributes and risk scores, are maintained by a third party on behalf of GSA for up to three years.

d. For studies commissioned by GSA, third-party proofing services will

discard any information collected within 24 hours of collection. GSA will maintain the information for the duration of the study after which it will be preserved for 6 years as required by the GSA's retention schedule for Customer Research and Reporting Records, DAA-0269-2016-0013-0002.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in the system are protected from unauthorized access and misuse through a combination of administrative, technical, and physical security measures. Administrative measures include but are not limited to policies that limit system access to individuals within an agency with a legitimate business need, and regular review of security procedures and best practices to enhance security. Technical security measures within GSA include restrictions on computer access to authorized individuals, required use of passphrases and regular review of security procedures and best practices to enhance security. Access to the *Login.gov* database is maintained behind an industry-standard firewall and information in the database is encrypted. As noted above, other than email address, neither the system nor the system operators can retrieve the user's personal account information without the user supplying a password or recovery code. Trained and cleared *Login.gov* fraud operations personnel are able to cross-reference personal information used by third party or Federal agency identity proofing services to validate a user's identity attributes as part of a manual review of identity proofing transactions. Records related to studies are kept separate from records related to *Login.gov*'s active users.

RECORD ACCESS PROCEDURES:

If an individual wishes to access any data or record pertaining to him or her in the system after it has been submitted, that individual should consult the GSA's Privacy Act implementation rules available at 41 CFR part 105-64.2.

CONTESTING RECORD PROCEDURES:

During identity proofing, an individual can use the *Login.gov* fraud operations redress mechanism to contest records used by third party identity proofing services. After identity proofing or participating in a study, individuals wishing to contest the content of records about themselves contained in this system of records should contact the system manager at the address above. See 41 CFR part 105-

64, subpart 105-64.4 for full details on what to include in a Privacy Act amendment request.

NOTIFICATION PROCEDURES:

If an individual wishes to be notified at his or her request if the system contains a record pertaining to him or her after it has been submitted, that individual should consult the GSA's Privacy Act implementation rules available at 41 CFR part 105-64.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This system was previously published in the **Federal Register**: 82 FR 6552; 82 FR 37451; 87 FR 70819.

Richard Speidel,

Chief Privacy Officer, Office of the Deputy Chief Information Officer, General Services Administration.

[FR Doc. 2024-10404 Filed 5-10-24; 8:45 am]

BILLING CODE 6820-AB-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-24-0950; Docket No. CDC-2024-0037]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Health and Nutrition Examination Survey (NHANES). NHANES produces descriptive statistics, which measure the health and nutrition status of the general United States population.

DATES: CDC must receive written comments on or before July 12, 2024.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2024-0037 by either of the following methods:

• *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments.

• *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses; and

5. Assess information collection costs.

Proposed Project

The National Health and Nutrition Examination Survey (NHANES), (OMB No. 0920–0950, Exp. 04/30/2025)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k) authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, collect statistics on subjects in the United States, such as the extent and nature of illness and disability of the population; environment, social, and other health hazards; determinants of health; health resources; and utilization of healthcare. The National Health and Nutrition Examination Survey (NHANES) has been conducted periodically between 1970 and 1994, and continuously since 1999 by the National Center for Health Statistics, CDC.

NHANES produces descriptive statistics, which measure the health and nutrition status of the general population. With personal interviews, physical examinations, and laboratory assessments, NHANES studies the relationship between diet, nutrition, and health in a representative sample of the United States. NHANES monitors the prevalence of chronic conditions and risk factors and is used to produce national reference data on height, weight, and nutrient levels in the blood. Results from more recent NHANES can be compared to findings reported from previous surveys to monitor changes in the health of the U.S. population over time.

In 2025–2026, the Program is not considering any substantial changes to NHANES content or procedures. As in previous years, the base sample will remain at approximately 5,000 interviewed and examined individuals annually. Children 0–17 years of age, persons 65 years of age or older, and non-Hispanic Black persons will be oversampled in the 2025–2026 survey. NCHS collects personally identifiable information (PII). Participant level data items will include basic demographic information, name, address, social security number, Medicare number and participant health information to allow for linkages to other data sources such as the National Death Index and data

from the Centers for Medicare and Medicaid Services.

A variety of agencies sponsor data collection components on NHANES. In the 2025–2026 clearance proposal, the Program modified, added, or removed various components that were included in the August 2021–August 2023 NHANES to update and modernize processes for data collection. NHANES staff conducted a thorough review of the sample person and household questionnaire content and made changes to focus on retaining questions that are to be used in combination with specific exam or lab data collected in the survey, as independent prevalence estimates, or as covariates in statistical analyses (e.g., sociodemographic characteristics). Further review of all data collection instruments was done to update wording, update age restrictions for the respondent universe, align wording across instruments, eliminate duplicate questions, improve interview flow, and reduce respondent burden.

With the construction of a new fleet of five mobile examination centers (MECs) with updated designs, the 2025–2026 exam components will include post consent-questions, anthropometry, oscillometer measurements, venipuncture, urine collection, MEC ACASI questions, body composition, respiratory health, audiometry, visual acuity and ophthalmology, oral health, HPV oral rinse and DNA genital swab collection, and water fluoride testing. Liver elastography, urine testing for several sexually transmitted infections, serology testing for HPV and CMV antibodies, and MEC follow-up questionnaires were dropped.

First Dietary Recall interviews, the Flexible Consumer Behavior Survey, and the Second Dietary Recall interviews will be conducted via telephone either before or after the MEC visit, which is a new approach for the 2025–2026 survey. If the participant does not schedule their dietary interviews at the end of their household interview, the MEC staff will attempt to schedule these appointments at the end of the examination. This option provides more flexibility to complete the interviews, which may improve completion rates. Program staff will monitor response rates closely to assess whether scheduling dietary interviews after the household interviews has an impact on response rates for dietary interviews and/or MEC exams.

Although a few laboratory tests are new or have been removed in 2025–2026, most remain but have been modified. Predominantly, modifications are the result of adjustments in age eligibility. Several laboratory tests that

have not been modified include CBC, hemoglobin variants, HIV, cadmium, and lead. RBC folate forms, LDC cholesterol, and chlamydia are examples of tests that have been removed for 2025–2026. New laboratory tests include B vitamins, choline and metabolites, and aldosterone. The biospecimens collected for laboratory tests include urine and blood. Serum, plasma, DNA, and urine specimens will be stored for future testing if the participant provides consent.

NHANES may conduct developmental projects during NHANES 2025–2026, with a focus on planning for NHANES 2027 and beyond. These may include activities such as tests of new equipment, crossover studies between current and proposed methods, test of different study modes, settings or technology, outreach materials, incentive strategies, sample storage and processing or sample designs.

Burden for individuals in 2025–2026 NHANES will vary based on their level of participation. For example, infants

and children tend to have shorter interviews and exams than adults. This is because young people may have fewer health conditions or medications to report so their interviews take less time or because certain exams are only conducted on sample persons 18 and older. In addition, adults often serve as proxy respondents for young people in their families. Participation in NHANES is voluntary and confidential. The Program is requesting a three-year approval, with 36,540 annualized hours of burden in this clearance request.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Individuals in households	Screener	6,398	1	7/60	747
Individuals in households	Home Interview	5,882	1	1	5,882
Individuals in households	MEC Interview & Examination	5,000	1	2	10,000
Individuals in households	Day 1 Telephone Dietary Recall, Dietary Supplements, & Flexible Consumer Behavior Survey Phone Follow-up.	5,882	1	1	5,882
Individuals in households	Day 2 Telephone Dietary Recall & Dietary Supplements.	5,882	1	36/60	3,529
Individuals in households	Developmental Projects & Special Studies.	3,500	1	3	10,500
Total .....	.....	.....	.....	.....	36,540

Jeffrey M. Zirger,
*Lead, Information Collection Review Office,
Office of Public Health Ethics and
Regulations, Office of Science, Centers for
Disease Control and Prevention.*
[FR Doc. 2024–10357 Filed 5–10–24; 8:45 am]
BILLING CODE 4163–18–P

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

**Centers for Disease Control and
Prevention**

**Meeting of the Advisory Council for the
Elimination of Tuberculosis**

AGENCY: Centers for Disease Control and
Prevention (CDC), Department of Health
and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the
Federal Advisory Committee Act, the
Centers for Disease Control and
Prevention (CDC) announces the
following meeting of the Advisory
Council for the Elimination of
Tuberculosis (ACET). This meeting is
open to the public, limited only by the
number of audio and web conference
lines (1,000 lines are available). Time
will be available for public comment

(registration is required to provide oral
comment).

DATES: The meeting will be held on June
25, 2024, from 9:30 a.m. to 4:30 p.m.,
EDT, and June 26, 2024, from 10 a.m. to
12 p.m., EDT.

Written comments must be submitted
by July 2, 2024. Registration to make
oral comments must be submitted by
June 18, 2024.

ADDRESSES: The telephone access
number is 1–669–254–5252, Webinar
ID: 160 567 2365, and the Passcode is
53696016. The web conference access is
[https://cdc.zoomgov.com/j/
1605672365?pwd=Vjd0N0JldjR
3ZTZUZ21kaTcvMHVTZz09](https://cdc.zoomgov.com/j/1605672365?pwd=Vjd0N0JldjR3ZTZUZ21kaTcvMHVTZz09), and the
Passcode is 9?A=EB8b. The number of
available audio and web conference
lines is 1,000.

FOR FURTHER INFORMATION CONTACT:
Marah Condit, M.S., Committee
Management Lead, Office of Policy,
Planning, and Partnerships, National
Center for HIV, Viral Hepatitis, STD,
and TB Prevention, Centers for Disease
Control and Prevention, 1600 Clifton
Road NE, Mailstop US8–6, Atlanta,
Georgia 30329–4027. Telephone: (404)
639–3423; Email: [nchhstppolicy@
cdc.gov](mailto:nchhstppolicy@cdc.gov).

SUPPLEMENTARY INFORMATION:

Purpose: The Advisory Council for
the Elimination of Tuberculosis is
charged with providing advice and
recommendations regarding the
elimination of tuberculosis (TB) to the
Secretary of Health and Human
Services, the Assistant Secretary for
Health, and the Director, Centers for
Disease Control and Prevention (CDC).
Specifically, the Council makes
recommendations regarding policies,
strategies, objectives, and priorities;
addresses the development and
application of new technologies;
provides guidance and review on CDC's
Tuberculosis Prevention Research
portfolio and program priorities; and
reviews the extent to which progress has
been made toward eliminating TB.

Matters to be Considered: The agenda
will include discussions on: (1) CDC's
National Center for HIV, Viral Hepatitis,
STD, and TB Prevention Update; (2)
CDC's Division of Tuberculosis
Elimination Update; (3) TB in New
Arrivals; (4) Regulation of Laboratory
Developed Tests and the Impact on TB
Testing in the United States; (5)
National Tuberculosis Coalition of
America Guidelines for Respiratory
Isolation and Restrictions to Reduce
Transmission of Pulmonary
Tuberculosis in Community Settings; (6)

Laboratory Developed Tests Workgroup Update; and (7) Drug Shortage Workgroup Update. Agenda items are subject to change as priorities dictate.

Public Participation

Written Public Comment: Members of the public are welcome to submit written comments in advance of the meeting. Written comments must be submitted by emailing nchhstppolicy@cdc.gov with subject line “ACET June 2024 Public Comment Registration” by July 2, 2024.

Oral Public Comment: Individuals who would like to make an oral comment during the public comment period must register by emailing nchhstppolicy@cdc.gov with subject line “ACET June 2024 Public Comment Registration” by June 18, 2024. The public comment period is on June 26, 2024, at 10:15 a.m., EDT.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–10300 Filed 5–10–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–24–23HS]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “National Survey of Syringe Services Programs (NSSSP)”, to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on May 4, 2023, to obtain comments from the public and affected agencies. CDC received two public comments related to the previous notice. This notice

serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Program Evaluation for PS22–2208 Component 2—New—National Center for HIV, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

PS22–2208 Component 2 (Strengthening Syringe Services Programs) serves as a coordinated and accountable mechanism for distribution of funding to syringe services programs

(SSPs) to support implementation and expansion of services in areas of the United States, Territories, and Tribal Nations disproportionately affected by infectious disease consequences of injection drug use. Project activities will directly contribute to establishing and expanding a national SSP infrastructure and prevention of infectious disease consequences of drug use. CDC has funded the National Alliance of State and Territorial AIDs Directors (NASTAD) to implement this project. NASTAD, in partnership with University of Washington will collect monitoring and evaluation data from funded SSPs through their internal mechanisms, both for their internal evaluation as well as to report semi-annual and annual project performance reports and stratified aggregate data to CDC. The primary purpose of this information collection is to monitor and evaluate the PS22–2208 Component 2 funding opportunity’s overall goal of supporting SSP subrecipients in meeting the needs of people who use drugs (PWUD) and reducing infectious disease and other harms related to drug use.

During the first year of this Cooperative Agreement, all PS22–2208 SSP subrecipients will be sent a 25-minute baseline program evaluation survey at the start of project implementation, and a 15-minute quarterly program evaluation survey in the following three quarters of the project period. For Years 2–5, new PS22–2208 SSP subrecipients will be sent the baseline survey at the start of project implementation, and all existing subrecipients will receive the quarterly program evaluation survey in the following three quarters of the project period. SSP subrecipients will primarily complete the survey online in REDCap, with options to complete via telephone or videoconferencing modalities. Subrecipients will be asked to complete the surveys within one month of receipt and will receive weekly reminders until the survey is complete. SSP subrecipients may be reminded informally during meetings with NASTAD and may also work with their NASTAD point-of-contact to determine an alternate method of survey completion. The survey will include questions on operational and programmatic characteristics, and quantity of prevention and treatment services provided in-person, through tele-health, and through navigation to off-site care, during the specified evaluation period.

Approximately 200 SSPs will participate in the survey. We estimate that it will take 70 minutes for each SSP

to complete the baseline survey and three quarterly surveys, regardless of how the respondent chooses to complete it (*i.e.*, self-administered

online or NASTAD staff-administered by phone or videoconferencing). CDC requests OMB approval for an estimated 233 annual burden hours. There is no

cost to survey participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (hours)
All participating SSPs	Strengthening Syringe Services Programs Baseline Survey.	200	1	25/60
All participating SSPs	Strengthening Syringe Services Programs Quarterly Survey.	200	3	15/60

Jeffrey M. Zirger,
Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.
[FR Doc. 2024–10358 Filed 5–10–24; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Board of Scientific Counselors, National Center for Injury Prevention and Control

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).
ACTION: Notice of open and closed meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting for the Board of Scientific Counselors, National Center for Injury Prevention and Control (BSC, NCIPC). This meeting will take place in person and virtually and is partially open to the public.

DATES: The meeting will be held on June 5, 2024, from 1 p.m. to 4 p.m., EDT (Closed); and June 6, 2024, from 10 a.m. to 3:30 p.m., EDT (Open). The public comment period will be at the end of the open session of the meeting on June 6, 2024, from 3:10 p.m. to 3:25 p.m., EDT.

ADDRESSES: Centers for Disease Control and Prevention, Chamblee Campus, Building 106, Conference Room 1–B, 4770 Buford Highway NE, Atlanta, Georgia 30341. The conference room will have seating for approximately 100 people for the open session of the meeting.

Please note that the meeting location is a federal facility and in-person access is limited to United States citizens unless prior authorizations, taking up to 30 to 60 days, have been made. Visitors must follow all directions for access to CDC facilities. Directions for visitors to CDC, including safety requirements related to COVID–19, are available at <https://www.cdc.gov/screening/visitors.html>.

If you wish to attend the open session of the meeting in person, please submit a request by email to Mrs. Tonia Lindley at TLindley@cdc.gov at least 5 business days in advance of the meeting.

If you wish to attend the open session of the meeting virtually, please register in advance by accessing the link at: https://cdc.zoomgov.com/webinar/register/WN_X5RXABmES3u_tsbMJdSJkg. Instructions to access the Zoom virtual meeting will be provided in the link following registration.

FOR FURTHER INFORMATION CONTACT: Christopher R. Harper, Ph.D., Designated Federal Officer, Board of Scientific Counselors, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 4770 Buford Highway NE, Mailstop S–1069, Atlanta, Georgia 30341. Telephone: (404) 718–8330; Email: ncipcbsc@cdc.gov.

SUPPLEMENTARY INFORMATION: Portions of the meeting referenced above will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5, U.S.C., and the Determination of the Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention (CDC), pursuant to 5 U.S.C. 1009(d) (Pub. L. 92–463, as amended).

Purpose: The Board of Scientific Counselors, National Center for Injury Prevention and Control (BSC, NCIPC) will: (1) conduct, encourage, cooperate with, and assist other appropriate public health authorities, scientific

institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes and strategies related to the prevention of injury, overdose, and violence; (2) assist States and other entities in preventing intentional and unintentional injuries, and to promote health and well-being; and (3) make recommendations of grants and cooperative agreements for research and prevention activities related to injury, overdose, and violence. The BSC, NCIPC makes recommendations regarding policies, strategies, objectives, and priorities and reviews progress toward injury, overdose, and violence prevention. The Board also provides advice on the appropriate balance of intramural and extramural research and provides guidance on the needs, structure, progress, and performance of intramural programs. Further, the Board provides guidance on extramural scientific program matters. Additionally, the Board provides second-level scientific and programmatic review of applications for research grants, cooperative agreements, and training grants related to injury, overdose, and violence prevention, and recommends approval of projects that merit further consideration for funding support. The Board also provides feedback and input on strategic plans, resources, and priority publications related to injury, overdose, and violence prevention.

Matters to be Considered: The closed session of the meeting (Day 1) will focus on the secondary peer review of extramural research grant applications received in response to three (3) Notices of Funding Opportunity: RFA–CE–22–003—“Rigorously Evaluating Programs and Policies to Prevent Child Sexual Abuse (CSA)””; RFA–CE–24–012—“Rigorous Evaluation of Policy-Level Interventions to Prevent Overdose (R01)””; and RFA–CE–24–030—“Research Grants for Preventing

Violence and Violence Related Injury (R01).” The open session of the meeting (Day 2) will include discussions on Enhancing CDC’s Efforts to Promote Mental Health and Reduce Overdose and Suicide; CDC’s New Behavioral Health Coordinating Unit; the 2024 National Strategy for Suicide Prevention and Action Plan; Updated Sexual Violence Research Priorities; Leveraging High-Quality Data from the Violence Against Children and Youth Survey to Demonstrate Reductions in Population Prevalence of Violence against Children; and Division of Overdose Prevention Portfolio Review, 2018–2023; Informing the 2025 Update to the Overdose Prevention Research Priorities. Agenda items are subject to change as priorities dictate.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–10301 Filed 5–10–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2022–E–1984; FDA–2022–E–1986]

Determination of Regulatory Review Period for Purposes of Patent Extension; JEMPERLI

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for JEMPERLI and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by July 12, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 12, 2024. See “Petitions” in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of July 12, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management

Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket Nos. FDA–2022–E–1984 and FDA–2022–E–1986 for “Determination of Regulatory Review Period for Purposes of Patent Extension; JEMPERLI.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT:

Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:**I. Background**

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biologic product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product JEMPERLI (dostarlimab-gxly). JEMPERLI is indicated for the treatment of adult patients with mismatch repair deficient recurrent or advanced endometrial cancer, as determined by an FDA-approved test, that has progressed on or following prior treatment with a platinum-containing regimen. This indication is approved under accelerated approval based on tumor response rate and durability of response. Continued approval for this indication may be contingent upon verification and description of clinical benefit in a confirmatory trial(s). Subsequent to this

approval, the USPTO received patent term restoration applications for JEMPERLI (U.S. Patent Nos. 9,815,897 and 10,738,117) from GlaxoSmithKline (agent for AnaptysBio, Inc.), and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated September 28, 2022, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of JEMPERLI represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for JEMPERLI is 1,919 days. Of this time, 1,428 days occurred during the testing phase of the regulatory review period, while 491 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* January 22, 2016. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on January 22, 2016.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* December 19, 2019. FDA has verified the applicant's claims that the biologics license application (BLA) for JEMPERLI (BLA 761174) was initially submitted on December 19, 2019.

3. *The date the application was approved:* April 22, 2021. FDA has verified the applicant's claim that BLA 761174 was approved on April 22, 2021.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 355 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination

regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA-2013-S-0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: May 8, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-10361 Filed 5-10-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Committee on Vital and Health Statistics (NCVHS) Meeting**

AGENCY: National Committee on Vital and Health Statistics, Centers for Disease Control and Prevention.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting. This meeting is open to the public. The public is welcome to obtain a link to attend this meeting by following the instructions posted on the Committee website: <https://ncvhs.hhs.gov/meetings/full-committee-meeting-18/>.

DATES: Wednesday, June 5, 2024: 11:00 a.m.-12:30 p.m. EDT.

ADDRESSES: Virtual open meeting.

FOR FURTHER INFORMATION CONTACT:

Substantive program information may be obtained from Naomi Michaelis, MPA, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, or via electronic mail to nmichaelis@cdc.gov; or by telephone (301) 458-4202. Summaries of meetings and a roster of Committee members are available on the

NCVHS website <https://ncvhs.hhs.gov/>, where further information including an agenda and instructions to access the broadcast of the meeting will be posted.

Should you require reasonable accommodation, please telephone the CDC Office of Equal Employment Opportunity at (770) 488–3210 as soon as possible.

SUPPLEMENTARY INFORMATION: As outlined in its Charter, the National Committee on Vital and Health Statistics assists and advises the Secretary of HHS on health data, data standards, statistics, privacy, national health information policy, and the Department's strategy to best address those issues. Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA),¹ NCVHS advises the Secretary on administrative simplification standards, including those for privacy, security, adoption and implementation of transaction standards, unique identifiers, code sets, and operating rules adopted under the Patient Protection and Affordable Care Act (ACA).² Included in HIPAA is the statutory reporting requirement that the Committee submit to Congress and make public, a report regarding the implementation of part C of title XI of the Social Security Act.

The meeting agenda will include discussion of the NCVHS Report to Congress. The Committee will reserve time on the agenda for public comment. Meeting times and topics are subject to change. Please refer to the agenda posted on the NCVHS website for updates: <https://ncvhs.hhs.gov/meetings/full-committee-meeting-18/>.

Sharon Arnold,

Associate Deputy Assistant Secretary, Office of Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2024–10288 Filed 5–10–24; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a

meeting of the Board of Scientific Counselors, National Cancer Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute.

Date: July 8–9, 2024.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Cancer Institute, 9609 Medical Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Brian E. Wojcik, Ph.D., Senior Review Administrator, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 9609 Medical Center Drive, Room 3W414, Rockville, MD 20850, 240–276–5660, wojcikb@mail.nih.gov.

Information is also available on the Institute's/Center's home page: <https://deainfo.nci.nih.gov/advisory/bsc/index.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 7, 2024.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10293 Filed 5–10–24; 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 Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: June 13, 2024.

Time: 1:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G56, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Poonam Tewary, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G56, Rockville, MD 20852, (301) 761–7219, tewaryp@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 8, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10376 Filed 5–10–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin 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

¹ Public Law 104–191, 110 Stat. 1936 (Aug 21, 1996), available at <https://www.congress.gov/104/plaws/publ191/PLAW-104publ191.pdf>.

² Public Law 111–148, 124 Stat. 119, available at <https://www.congress.gov/111/plaws/publ148/PLAW-111publ148.pdf>.

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group: Arthritis and Musculoskeletal and Skin Diseases Special Grants Study Section.

Date: June 20–21, 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 (In-person Meeting).

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Scientific Review Branch, Extramural Program, National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Room 820, Bethesda, MD 30892, 301–827–7835, yasuko.furumoto@nih.gov.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group: Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Study Section.

Date: June 27–28, 2024.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852 (In-person Meeting).

Contact Person: Sushmita Purkayastha, Ph.D., Scientific Review Officer, Scientific Review Branch, Extramural Program, National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Room 814, Bethesda, MD 20817, sushmita.purkayastha@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: May 7, 2024.

Miguelina Perez,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10290 Filed 5–10–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60 Day Comment Request; The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research (Clinical Center)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Clinical Center, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, contact: Tom Burklow, MD, Office of Clinical Research Training and Medical Education, NIH Clinical Center, National Institutes of Health, 10 Center Drive, Room 1N262, Bethesda, MD 20892–1158, or call non-toll-free number 301–435–8015, or Email your request, including your address to: tom.burklow@nih.gov. *Formal requests for additional plans and instruments must be requested in writing.*

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the

function 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, 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research, OMB #0925–0602
Expiration Date: 6/30/2024, REVISION, Clinical Center (CC), National Institutes of Health (NIH).

Need and Use of Information Collection: The information collected will allow continued assessment of the value of the training provided by the Office of Clinical Research Training and Medical Education (OCRTE) at the NIH Clinical Center and the extent to which this training promotes (a) patient safety; (b) research productivity and independence; and (c) future career development within clinical, translational, and academic research settings. The information received from respondents is presented to, evaluated by, and incorporated into the ongoing operational improvement efforts of the Director of the Office of Clinical Research Training and Education, and the Chief Executive Officer of the NIH Clinical Center. This information will enable the ongoing operational improvement efforts of the OCRTE and its commitment to providing clinical research training and medical education of the highest quality to each trainee. OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours 537.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Clinical Research Training Program/Medical Research Scholars Program Alumni Survey.	Physicians	800	1	20/60	267
	Physicians	350	1	20/60	117
	Physicians	100	1	20/60	33
Graduate Medical Education Graduate Survey	Physicians	720	1	10/60	120
Clinical Electives Program 1 Year Alumni Survey.					
Continuing Medical Education Evaluation Survey.					

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Total		1,970	1,970	.....	537

Frederick D. Vorck Jr.,
Project Clearance Liaison, Clinical Center.
 [FR Doc. 2024–10416 Filed 5–10–24; 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: Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.

Date: June 6–7, 2024.

Time: 8:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Georgetown, 2350 M Street NW, Washington, DC 20037 (In-person Meeting).

Contact Person: Mary G Schueler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7846, Bethesda, MD 20892, 301–915–6301, marygs@csr.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.

Date: June 6–7, 2024.

Time: 8:00 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 (In Person and Virtual Meeting).

Contact Person: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214,

MSC 7814, Bethesda, MD 20892, (301) 451–0996, ybi@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: June 6–7, 2024.

Time: 8:30 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: 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: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Imaging Probes and Contrast Agents Study Section.

Date: June 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: Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892 (301), 435–8363, wrightds@csr.nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Human Complex Mental Function Study Section.

Date: June 6–7, 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 (In Person and Virtual Meeting).

Contact Person: Joanna Szczepanik, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000D, Bethesda, MD 20892 (301) 827–2242, szczepaj@csr.nih.gov.

Name of Committee: Biology of Development and Aging Integrated Review Group Advancing Therapeutics A Study Section.

Date: June 6–7, 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: Maureen Shuh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4097 maureen.shuh@nih.gov.

(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: May 7, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10292 Filed 5–10–24; 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; Aging and Physiological Systems.

Date: July 2, 2024.

Time: 12:00 p.m. to 3:00 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: Kaitlyn Noel Lewis Hardell, Ph.D., M.P.H., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue,

Gateway Bldg., Room: 2E405, Bethesda, MD 20814, (301) 555–1234, kaitlyn.hardell@nih.gov,

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 7, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10291 Filed 5–10–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Initial Review Group; Mental Health Services Study Section.

Date: June 6, 2024.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Salamander Washington DC Hotel, 1330 Maryland Ave SW, Washington, DC 20024 (Hybrid Meeting).

Date: June 10, 2024.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Bethesda, MD 20852 (Virtual Meeting).

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Bethesda, MD 20852, 301–443–1225, aschulte@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: May 8, 2024.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10373 Filed 5–10–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Medication Discovery Using Rat Models of Relapse.

Date: June 3, 2024.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marisa Srivareerat, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 435–1258, marisa.srivareerat@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA–K Alternate SEP.

Date: June 6, 2024.

Time: 12:00 p.m. to 1:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marisa Srivareerat, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 435–1258, marisa.srivareerat@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Integrated Functional Mapping and Molecular Profiling of Cell Ensembles Encoding the Effects of Addictive Substances in Rodents.

Date: June 13, 2024.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Caitlin Elizabeth Angela Moyer, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 443–4577, caitlin.moyer@nih.gov.

Name of Committee: National Institute on Drug Abuse Initial Review Group; Career Development Education and Training Study Section.

Date: June 24, 2024.

Time: 9:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sindhu Kizhakke Madathil, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5702, sindhu.kizhakkemadathil@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel the National Drug Abuse Treatment Clinical Trials Network.

Date: July 11–12, 2024.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shareen Amina Iqbal, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 443–4577, shareen.iqbal@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 8, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10380 Filed 5–10–24; 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; RFA-RM-24-001: IND-enabling Studies for Platform Clinical Trials of Genome Editing in Multiple Diseases.

Date: June 6, 2024.

Time: 1:00 p.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: Altaf Ahmad Dar, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-2680, altaf.dar@nih.gov.

Name of Committee: Cell Biology Integrated Review Group; Cell Structure and Function 1 Study Section.

Date: June 10–11, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Georgetown, 2350 M Street NW, Washington, DC 20037.

Contact Person: Jessica Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-402-3717, jessica.smith6@nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Maximizing Investigators' Research Award—F Study Section.

Date: June 10–11, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Bethesda Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Brian Paul Chadwick, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-3586, chadwickbp@csr.nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Bioengineering, Technology and Surgical Sciences Study Section.

Date: June 10–11, 2024.

Time: 8:00 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: Khalid Masood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301-435-2392, masoodk@csr.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.

Date: June 10–11, 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: 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: Cell Biology Integrated Review Group; Development—2 Study Section.

Date: June 10–11, 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: Rass M Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435-2359, shayiqr@csr.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Management in General Care Settings Study Section.

Date: June 10–11, 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: Jessica Campbell Chambers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496-5693, jessica.chambers@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Radiation Therapeutics and Biology.

Date: June 10, 2024.

Time: 9:30 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: Maureen Shuh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-4097, maureen.shuh@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 23-077: Collaborative Program Grant for Multidisciplinary Teams (RM1).

Date: June 10, 2024.

Time: 10:00 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.

Contact Person: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301-435-1180, ruvinser@csr.nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cell Signaling and Molecular Endocrinology Study Section.

Date: June 10–11, 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: Latha Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435-1999, malaiyandilm@csr.nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroscience of Basic Visual Processes Study Section.

Date: June 10–11, 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: Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301-435-1242, kgt@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-23-122: Research with Activities Related to Diversity (ReWARD).

Date: June 10, 2024.

Time: 11:00 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: 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.

(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: May 8, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10377 Filed 5–10–24; 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; Engineering and Preclinical Development of Biological Products that Eliminate HIV-Infected Cells (UG3/UH3 Clinical Trial Not Allowed).

Date: June 7, 2024.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G21A, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G21A, Rockville, MD 20852, shiv.prasad@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: May 8, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10375 Filed 5–10–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel; BRAIN Initiative Cell Atlas Network. (BICAN): R01 Specialized Collaboratories.

Date: June 13, 2024.

Time: 10:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health Neuroscience Center, 6001 Executive Blvd., Bethesda, MD 20852, 301–435–1260, jasenka.borzan@nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Early Phase Clinical Trials: Pharma/Device and K Awards.

Date: June 14, 2024.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health Neuroscience Center, 6001 Executive Blvd., Bethesda, MD 20852, 301–443–4525, steinerr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: May 8, 2024.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10372 Filed 5–10–24; 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; RNCP Portfolio-Wide Dosimetry Verification Services.

Date: June 7, 2024.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Tara Capece, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health, NIAID, 5601 Fishers Lane, Room 3G41, 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: May 8, 2024

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–10378 Filed 5–10–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel; Review of NIGMS Postdoctoral T32 Review Grant Applications.

Date: June 21, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, Maryland 20892 (Virtual Meeting).

Contact Person: Greg Bissonette, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of General Medical Sciences, National Institute of Health, 45 Center Drive, Room Hoteling, Bethesda, Maryland 20892, 301-827-5118, bissonettegb@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: May 7, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-10289 Filed 5-10-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Eunice Kennedy Shriver National Institute of Child Health & Human Development; 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: Eunice Kennedy Shriver National Institute of Child Health and Human Development Initial Review Group; Function, Integration, and Rehabilitation Sciences Study Section.

Date: June 27-28, 2024.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814 (In person).

Contact Person: Moushumi Paul, Ph.D., Scientific Review Branch (SRB), Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Room 2125D, Bethesda, MD 20817, (301) 496-3596, moushumi.paul@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: May 8, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-10374 Filed 5-10-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications 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 Neurological Disorders and Stroke Special Emphasis Panel; HEAL Initiative: Digital Biomarker.

Date: June 4, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Abhignya Subedi, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-496-9223, abhi.subedi@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review; Group Neurological Sciences and Disorders A Study Section.

Date: June 6-7, 2024.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: InterContinental San Francisco, 888 Howard Street, San Francisco, CA 94103.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-402-0288, natalia.strunnikova@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: May 8, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-10379 Filed 5-10-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection****Automated Commercial Environment (ACE) Export Manifest for Rail Cargo Test: Renewal of Test**

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice announces that U.S. Customs and Border Protection (CBP) is renewing the Automated Commercial Environment (ACE) Export Manifest for Rail Cargo Test, a National Customs Automation Program (NCAP) test concerning ACE export manifest capability.

DATES: The voluntary pilot initially began on September 9, 2015, and it was modified and extended on August 14,

2017, and was further extended on April 27, 2022. This renewal is effective May 13, 2024. The renewed test will run for an additional two years from the date of publication of this notice in the **Federal Register**.

ADDRESSES: Applications for new participants in the ACE Export Manifest for Rail Cargo Test must be submitted via email to CBP Export Manifest at cbpexportmanifest@cbp.dhs.gov. In the subject line of the email, please write "ACE Export Manifest for Rail Cargo Test Application". Applications will be accepted at any time during the test period. Written comments concerning program, policy, and technical issues may also be submitted via email to CBP Export Manifest at cbpexportmanifest@cbp.dhs.gov. In the subject line of the email, please write "Comment on ACE Export Manifest for Rail Cargo Test". Comments may be submitted at any time during the test period.

FOR FURTHER INFORMATION CONTACT: Thomas J. Pagano, Branch Chief, or David Garcia, Program Manager, Outbound Enforcement and Policy Branch, Office of Field Operations, CBP, via email at cbpexportmanifest@cbp.dhs.gov, or by telephone, 202-325-3277.

SUPPLEMENTARY INFORMATION:

I. Background

The Automated Commercial Environment (ACE) Export Manifest for Rail Cargo Test is a voluntary test in which participants agree to submit export manifest data to U.S. Customs and Border Protection (CBP) electronically at least two hours prior to loading of the cargo onto the rail car, in preparation for departure from the United States or, for empty rail cars, upon assembly of the train. The ACE Export Manifest for Rail Cargo Test is authorized under § 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)), which provides for the testing of National Customs Automation Program (NCAP) programs or procedures.

The ACE Export Manifest for Rail Cargo Test examines the functionality of filing export manifest data for rail cargo electronically in ACE. ACE creates a single automated export processing platform for certain export manifest, commodity, licensing, export control, and export targeting transactions. This will reduce costs for CBP, partner government agencies, and the trade community, as well as improve facilitation of export shipments through the supply chain.

The ACE Export Manifest for Rail Cargo Test also assesses the feasibility of

requiring the manifest information to be filed electronically in ACE within a specified time before the cargo is loaded on the train. This capability will enhance CBP's ability to calculate the risk and effectively identify and inspect shipments prior to the loading of cargo in order to facilitate compliance with U.S. export laws.

CBP announced the procedures and criteria related to participation in the ACE Export Manifest for Rail Cargo Test in a notice published in the **Federal Register** on September 9, 2015 (80 FR 54305). This test was originally scheduled to run for approximately two years. On August 14, 2017, CBP extended the test period (82 FR 37893). At that time, CBP also modified the original notice to make certain data elements optional and opened the test to accept additional applications from all parties who met the eligibility requirements. CBP further renewed the test for an additional two years on April 27, 2022 (87 FR 25036). Through this notice, CBP is renewing the test again.

The data elements, unless noted otherwise, are mandatory. Data elements which are mandatory must be provided to CBP for every shipment. Data elements which are marked "conditional" must be provided to CBP only if the particular information pertains to the cargo. Data elements which are marked "optional" may be provided to CBP but are not required to be completed. The data elements are set forth below:

- (1) Mode of Transportation (containerized rail cargo or noncontainerized rail cargo) (optional)
- (2) Port of Departure from the United States
- (3) Date of Departure
- (4) Manifest Number
- (5) Train Number
- (6) Rail Car Order
- (7) Car Locator Message
- (8) Hazmat Indicator (Yes/No)
- (9) 6-character Hazmat Code (conditional) (If the hazmat indicator is yes, then UN (for United Nations Number) or NA (North American Number) and the corresponding 4-digit identification number assigned to the hazardous material must be provided.)
- (10) Marks and Numbers (conditional)
- (11) SCAC (Standard Carrier Alpha Code) for exporting carrier
- (12) Shipper name and address (For empty rail cars, the shipper may be the railroad from which the rail carrier received the empty rail car to transport.)
- (13) Consignee name and address (For empty rail cars, the consignee may

be the railroad to which the rail carrier is transporting the empty rail car.)

- (14) Place where the rail carrier takes possession of the cargo shipment or empty rail car (optional)
- (15) Port of Unlading
- (16) Country of Ultimate Destination (optional)
- (17) Equipment Type Code (optional)
- (18) Container Number(s) (for containerized shipments) or Rail Car Number(s) (for all other shipments)
- (19) Empty Indicator (Yes/No)
If the empty indicator is no, then the following data elements must also be provided, unless otherwise noted:
- (20) Bill of Lading Numbers (Master and House)
- (21) Bill of Lading Type (Master, House, Simple or Sub)
- (22) Number of house bills of lading (optional)
- (23) Notify Party name and address (conditional)
- (24) AES Internal Transaction Number or AES Exemption Statement (per shipment)
- (25) Cargo Description
- (26) Weight of Cargo (may be expressed in either pounds or kilograms)
- (27) Quantity of Cargo and Unit of Measure
- (28) Seal Number (only required if the container was sealed)
- (29) Split Shipment Indicator (Yes/No) (optional)
- (30) Portion of split shipment (e.g., 1 of 10, 4 of 10, 5 of 10, Final, etc.) (optional)
- (31) In-bond Number (conditional)
- (32) Mexican Pedimento Number (only for shipments for export to Mexico) (optional)

For further details on the background and procedures regarding this test, please refer to the September 9, 2015 notice and August 14, 2017 extension and modification.

II. Renewal of the ACE Export Manifest for Rail Cargo Test Period

CBP will renew the test for two years to continue evaluating the ACE Export Manifest for Rail Cargo Test. This will assist CBP in determining whether electronic submission of manifests will allow for improvements in the functionality and capabilities at the departure level. The renewed test will run for two years from the date of publication.

III. Applicability of Initial Test Notice

All provisions in the September 2015 notice and in the August 2017 modification and extension remain

applicable, subject to the further extension of the time period provided in this renewal.

IV. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3507), an agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget (OMB). The collections of information in this NCAP test have been approved by OMB in accordance with the requirements of the Paperwork Reduction Act and assigned OMB control number 1651–0001.

Dated: May 6, 2024.

Diane J. Sabatino,

*Acting Executive Assistant Commissioner,
Office of Field Operations, U.S. Customs and
Border Protection.*

[FR Doc. 2024–10354 Filed 5–10–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002; Internal
Agency Docket No. FEMA–B–2435]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency
Management Agency, Department of
Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The

FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) patrick.sacibit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online

location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, “Flood Insurance.”)

Nicholas A. Shufro,

*Assistant Administrator (Acting) for Risk
Management, Federal Emergency
Management Agency, Department of
Homeland Security.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arkansas: Saline	City of Benton (23–06– 1296P).	The Honorable Tom Farmer, Mayor, City of Benton, P.O. Box 607, Benton, AR 72018.	City Hall, 114 South East Street, Benton, AR 72015.	https://msc.fema.gov/portal/ advanceSearch .	Jul. 25, 2024	050192

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Saline	City of Bryant (23-06-1296P).	The Honorable Rhonda Sanders, Mayor, City of Bryant, 210 Southwest 3rd Street, Bryant, AR 72022.	City Hall, 210 Southwest 3rd Street, Bryant, AR 72022.	https://msc.fema.gov/portal/advanceSearch .	Jul. 25, 2024	050308
Colorado:						
Arapahoe	City of Aurora (23-08-0403P).	The Honorable Mike Coffman, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	Public Works Department, 15151 East Alameda Parkway, Aurora, CO 80012.	https://msc.fema.gov/portal/advanceSearch .	Aug. 16, 2024	080002
Arapahoe	Unincorporated areas of Arapahoe County (23-08-0403P).	Carrie Warren-Gully, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80210.	Arapahoe County Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112.	https://msc.fema.gov/portal/advanceSearch .	Aug. 16, 2024	080011
Larimer	City of Loveland (22-08-0336P).	The Honorable Jacki Marsh, Mayor, City of Loveland, 500 East 3rd Street, Suite 330, Loveland, CO 80537.	Public Works Department, 2525 West 1st Street, Loveland, CO 80537.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	080103
Larimer	Town of Timnath (23-08-0780P).	The Honorable Mark Soukup, Mayor, Town of Timnath, 4750 Signal Tree Drive, Timnath, CO 80547.	TST, Inc., 748 Whalers Way, Fort Collins, CO 80525.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	080005
Larimer	Unincorporated areas of Larimer County (22-08-0336P).	John Kefalas, Chair, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80522.	Larimer County Courthouse, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	080101
Larimer	Unincorporated areas of Larimer County (23-08-0780P).	John Kefalas, Chair, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80522.	Larimer County Courthouse, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	080101
Weld	City of Greeley (24-08-0061P).	The Honorable John Gates, Mayor, City of Greeley, 1000 10th Street, Greeley, CO 80631.	City Hall, 1000 10th Street, Greeley, CO 80631.	https://msc.fema.gov/portal/advanceSearch .	Aug. 15, 2024	080184
Florida:						
Charlotte	Unincorporated areas of Charlotte County (23-04-5839P).	Bill Truex, Chair, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Building Department, 18400 Murdock Circle, Port Charlotte, FL 33948.	https://msc.fema.gov/portal/advanceSearch .	Jul. 29, 2024	120061
Escambia	Unincorporated areas of Escambia County (23-04-3556P).	Steven Barry, Chair, Escambia County Board of Commissioners, 3363 West Park Place, Pensacola, FL 32505.	Escambia County Building Department, 3363 West Park Place, Pensacola, FL 32505.	https://msc.fema.gov/portal/advanceSearch .	Aug. 9, 2024	120080
Lake	Unincorporated areas of Lake County (24-04-0040P).	Jennifer Baker, Lake County Manager, 315 West Main Street, Tavares, FL 32778.	Lake County Public Works Department, 323 North Sinclair Avenue, Tavares, FL 32778.	https://msc.fema.gov/portal/advanceSearch .	Jul. 22, 2024	125106
Lee	City of Fort Myers (24-04-1196P).	Marty K. Lawing, Manager, City of Fort Myers, 2200 2nd Street, Fort Myers, FL 33901.	Building Department, 1825 Hendry Street, Fort Myers, FL 33901.	https://msc.fema.gov/portal/advanceSearch .	Jul. 22, 2024	125106
Orange	City of Belle Isle (23-04-6283P).	The Honorable Nicholas Fouraker, Mayor, City of Belle Isle, 1600 Nela Avenue, Belle Isle, FL 32809.	City Hall, 1600 Nela Avenue, Belle Isle, FL 32809.	https://msc.fema.gov/portal/advanceSearch .	Jul. 31, 2024	120181
Orange	City of Orlando (23-04-6283P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works Department, Engineering Division, 400 South Orange Avenue, Orlando, FL 32801.	https://msc.fema.gov/portal/advanceSearch .	Jul. 31, 2024	120186
Pasco	Unincorporated areas of Pasco County (23-04-6016P).	Ron Oakley, Chair, Pasco County Board of Commissioners, 37918 Meridian Avenue, Dade City, FL 33525.	Pasco County Building Construction Services Department, 8661 Citizens Drive, Suite 100, New Port Richey, FL 34654.	https://msc.fema.gov/portal/advanceSearch .	Aug. 12, 2024	120230

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Orange	Unincorporated areas of Orange County (23-04-6283P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	https://msc.fema.gov/portal/advanceSearch .	Jul. 31, 2024	120179
Seminole	City of Oviedo (23-04-6041P).	Bryan Cobb, City of Oviedo Manager, 400 Alexandria Boulevard, Oviedo, FL 32762.	Public Works Department, 1655 Evans Street, Oviedo, FL 32765.	https://msc.fema.gov/portal/advanceSearch .	Aug. 15, 2024	120293
Seminole	Unincorporated areas of Seminole County (23-04-6041P).	Darren Gray, Seminole County Manager, 1101 East 1st Street, Sanford, FL 32771.	Seminole County Building Division, 1101 East 1st Street, Sanford, FL 32771.	https://msc.fema.gov/portal/advanceSearch .	Aug. 15, 2024	120289
Maine: Penobscot	Town of Hamden (23-01-0389P).	Paula Scott, Manager, Town of Hampden, 106 Western Avenue, Hampden, ME 04444.	Department of Public Safety, Code Enforcement Office, 106 Western Avenue, Hampden, ME 04444.	https://msc.fema.gov/portal/advanceSearch .	Aug. 7, 2024	230168
York	Town of Wells (24-01-0143P).	John K. MacLeod III, Chair, Town of Wells Board of Selectmen, 208 Sanford Road, Wells, ME 04090.	Planning and Development Department, 208 Sanford Road, Wells, ME 04090.	https://msc.fema.gov/portal/advanceSearch .	Jul. 18, 2024	230158
Massachusetts: Essex.	City of Gloucester (23-01-0783P).	The Honorable Greg Varga, Mayor, City of Gloucester, 9 Dale Avenue, Gloucester, MA 01930.	City Hall, 3 Pond Road, 2nd Floor, Gloucester, MA 01930.	https://msc.fema.gov/portal/advanceSearch .	Jul. 18, 2024	250082
Montana: Gallatin ..	Unincorporated areas of Gallatin County (23-08-0757P).	Scott McFarlane, Chair, Gallatin County Commission, 311 West Main Street, Room 306, Bozeman, MT 59715.	Gallatin County Courthouse, 311 West Main Street, Bozeman, MT 59715.	https://msc.fema.gov/portal/advanceSearch .	Jul. 31, 2024	300027
South Carolina: Horry	Unincorporated areas of Horry County (23-04-0840P).	Johnny Gardner, Chair, Horry County Council, 1301 2nd Avenue, Conway, SC 29526.	Horry County Code Enforcement Department, 1301 2nd Avenue, Conway, SC 29526.	https://msc.fema.gov/portal/advanceSearch .	Aug. 16, 2024	450104
Jasper	City of Hardeeville (23-04-4472P).	The Honorable Harry Williams, Mayor, City of Hardeeville, P.O. Box 609, Hardeeville, SC 29927.	City Hall, 205 Main Street, Hardeeville, SC 29927.	https://msc.fema.gov/portal/advanceSearch .	Aug. 8, 2024	450113
Jasper	Unincorporated areas of Jasper County (23-04-4472P).	Andrew P. Fulghum, Jasper County Administrator, P.O. Box 1149, Ridgeland, SC 29936.	Jasper County Government Building, 358 3rd Avenue, Ridgeland, SC 29936.	https://msc.fema.gov/portal/advanceSearch .	Aug. 8, 2024	450112
Texas: Bexar	City of San Antonio (23-06-2542P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	https://msc.fema.gov/portal/advanceSearch .	Jul. 22, 2024	480045
Collin	City of Allen (23-06-0949P).	The Honorable Baine Brooks, Mayor, City of Allen, 305 Century Parkway, Allen, TX 75013.	City Hall, 305 Century Parkway, Allen, TX 75013.	https://msc.fema.gov/portal/advanceSearch .	Aug. 19, 2024	480131
Collin	City of Frisco (24-06-0036P).	The Honorable Jeff Cheney, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Engineering Department, 6101 Frisco Square Boulevard, 3rd Floor, Frisco, TX 75034.	https://msc.fema.gov/portal/advanceSearch .	Aug. 19, 2024	480134
Collin	City of Parker (23-06-0949P).	The Honorable Lee Pettie, Mayor, City of Parker, 5700 East Parker Road, Parker, TX 75002.	City Hall, 5700 East Parker Road, Parker, TX 75002.	https://msc.fema.gov/portal/advanceSearch .	Aug. 19, 2024	480139
Collin	City of Plano (24-06-0036P).	The Honorable John B. Muns, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	Engineering Department, 1520 K Avenue, Plano, TX 75074.	https://msc.fema.gov/portal/advanceSearch .	Aug. 19, 2024	480140

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Collin	City of Princeton (23-06-1094P).	The Honorable Brianna Chacón, Mayor, City of Princeton, 2000 East Princeton Drive, Princeton, TX 75407.	City Hall, 2000 East Princeton Drive, Princeton, TX 75407.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	480757
Collin	Unincorporated areas of Collin County (23-06-0949P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, McKinney, TX 75071.	Collin County, Juvenile Justice Alternative Education Program Building, 4690 Community Avenue, McKinney, TX 75071.	https://msc.fema.gov/portal/advanceSearch .	Aug. 19, 2024	480130
Comal	City of New Braunfels (23-06-2196P).	Robert Camareno, Manager, City of New Braunfels, 550 Landa Street, New Braunfels, TX 78130.	City Hall, 550 Landa Street, New Braunfels, TX 78130.	https://msc.fema.gov/portal/advanceSearch .	Jul. 25, 2024	485493
Dallas	Town of Sunnyvale (24-06-0020P).	The Honorable Saji George, Mayor, Town of Sunnyvale, 127 North Collins Road, Sunnyvale, TX 75182.	Town Hall, 127 North Collins Road, Sunnyvale, TX 75182.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	480188
Denton	City of Denton (23-06-1850P).	Sara Hensley, Manager, City of Denton, 215 East McKinney Street, Denton, TX 76201.	Development Services Center, 401 North Elm Street, Denton, TX 76201.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	480194
Denton	Town of Argyle (24-06-0041P).	The Honorable Rick Bradford, Mayor, Town of Argyle, P.O. Box 609, Argyle, TX 76226.	Town Hall, P.O. Box 609, Argyle, TX 76226.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	480775
Fort Bend	City of Missouri City (23-06-0961P).	The Honorable Robin J. Elackatt, Mayor, City of Missouri City, 1522 Texas Parkway, Missouri City, TX 77489.	City Hall, 1522 Texas Parkway, Missouri City, TX 77489.	https://msc.fema.gov/portal/advanceSearch .	Aug. 9, 2024	480304
Fort Bend	Unincorporated areas of Fort Bend County (23-06-0961P).	The Honorable K.P. George, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 401 Jackson Street, 4th Floor, Richmond, TX 77469.	https://msc.fema.gov/portal/advanceSearch .	Aug. 9, 2024	480228
Grayson	City of Van Alstyne (23-06-2387P).	The Honorable Jim Atchison, Mayor, City of Van Alstyne, P.O. Box 274, Van Alstyne, TX 75495.	City Hall, 152 North Main Drive, Van Alstyne, TX 75495.	https://msc.fema.gov/portal/advanceSearch .	Aug. 14, 2024	481620
Grayson	Unincorporated areas of Grayson County (23-06-2387P).	The Honorable Bruce Dawsey, Grayson County Judge, 100 West Houston Street, Sherman, TX 75090.	Grayson County Courthouse, 100 West Houston Street, Sherman, TX 75090.	https://msc.fema.gov/portal/advanceSearch .	Aug. 14, 2024	480829
Kaufman	City of Dallas (24-06-0020P).	T. C. Broadnax, Manager, City of Dallas, 1500 Marilla Street, Room 4EN, Dallas, TX 75201.	Stormwater Operations Department, 2245 Irving Boulevard, 2nd Floor, Dallas, TX 75207.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	480171
Kaufman	Unincorporated areas of Kaufman County (24-06-0020P).	The Honorable Jackie Allen, Kaufman County Judge, 1902 U.S. Highway 175, Kaufman, TX 75142.	Kaufman County Development Services Department, 106 West Grove Street, Kaufman, TX 75142.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	480411
McLennan	City of Waco (23-06-0341P).	The Honorable Dillon Meek, Mayor, City of Waco, P.O. Box 2570, Waco, TX 76702.	City Hall, 300 Austin Avenue, Waco, TX 76702.	https://msc.fema.gov/portal/advanceSearch .	Jul. 29, 2024	480461
Waller	City of Brookshire (23-06-1114P).	The Honorable Darrell Branch, Mayor, City of Brookshire, P.O. Box 160, Brookshire, TX 77423.	City Hall, 4029 5th Street, Brookshire, TX 77423.	https://msc.fema.gov/portal/advanceSearch .	Jul. 25, 2024	481097
Utah:						
Salt Lake	City of Holladay (23-08-0730P).	The Honorable Robert M. Dahle, Mayor, City of Holladay, 4580 South 2300 East, Holladay, UT 84117.	Department of Community Development, 4580 South 2300 East, Holladay, UT 84117.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	490253
Salt Lake	City of Millcreek (23-08-0730P).	The Honorable Jeff Silvestrini, Mayor, City of Millcreek, 1330 East Chambers Avenue, Millcreek, UT 84106.	Planning and Zoning Department, 1330 East Chambers Avenue, Millcreek, UT 84106.	https://msc.fema.gov/portal/advanceSearch .	Aug. 5, 2024	490231

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Washington	City of St. George (24–08–0001P).	The Honorable Michele Randall, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	City Hall, 175 East 200 North, St. George, UT 84770.	https://msc.fema.gov/portal/advanceSearch .	Jul. 29, 2024	490117

[FR Doc. 2024–10405 Filed 5–10–24; 8:45 am]

BILLING CODE 9111–12–P

DEPARTMENT OF HOMELAND SECURITY

Agency Information Collection Activities: Safety Act Collection of Qualitative Feedback

AGENCY: S&T, DHS.

ACTION: 30-Day notice and request for comments; Science and Technology Collection of Qualitative Feedback, DHS–2023–0030.

SUMMARY: The Department of Homeland Security Science and Technology Directorate (S&T), DHS will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. DHS previously published this information collection request (ICR) in the **Federal Register** on September 14, 2023, for a 60-day public comment period. Two comments were received by DHS. The purpose of this notice is to allow additional 30-days for public comments.

DATES: Comments are encouraged and will be accepted until June 12, 2024. This process is conducted in accordance with 5 CFR 1320.10.

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.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

FOR FURTHER INFORMATION CONTACT: If additional information is required contact: S&T/OIC/Safety Act, Project Manager, Luz Irazabal, Email Address, luz.irazabal@hq.dhs.gov, Phone Number: 202–913–4926.

SUPPLEMENTARY INFORMATION: This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a S&T collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

S&T invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, S&T would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency.

In response to your comments, we may revise this ICR. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and

related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, DHS–2023–0031 SAFETY Act, and must be received by June 2, 2024.

Analysis

Agency: DHS/Science and Technology.

Title: Safety Act.

OMB Number: DHS–2023–0030.

Frequency: Once.

Affected Public: Individuals.

Number of Respondents: An estimated 330 respondents will take the survey.

Estimated Time per Respondent: 56 Hours.

Total Burden Hours: 18,500 Hours.

Total Burden Cost (capital/startup):

There is no cost to participants other than their time.

Total Burden Cost (operating/maintaining): There is no cost to participants other than their time.

Dated: May 8, 2024.

Jon J Robinson,

Deputy Chief Information Officer, Science and Technology Directorate, Department of Homeland Security.

[FR Doc. 2024–10388 Filed 5–10–24; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2024–0062; FXES1114040000–245–FF04EF4000]

Renewal of an Incidental Take Permit for the Sand Skink and Blue-Tailed Mole Skink; Polk County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Nucor Steel Florida, Inc. (applicant) for a renewal of an incidental take permit (ITP) under the Endangered Species Act. If granted, the renewed ITP would authorize take of the federally listed sand skink (*Neoseps reynoldsi*) and blue-tailed mole skink (*Eumeces egregius lividus*) incidental

to the construction of a metal recycling steel plant. The applicant requests the renewal of the ITP to extend the expiration date for 3 additional years in Polk County, Florida. There is no request for additional take or increases in development levels. The proposed time extension maintains the existing levels of take, but would extend the covered activities out to April 19, 2027, instead of April 19, 2024. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that this ITP renewal qualifies as low-effect, categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before June 12, 2024.

ADDRESSES:

Obtaining Documents: The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS-R4-ES-202X-0062; at <https://www.regulations.gov>.

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- *Online:* <https://www.regulations.gov>.

Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2024-0062;

- *U.S. mail:* Public Comments

Processing, Attn: Docket No. FWS-R4-ES-2024-0062; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT:

Alfredo Begazo, by U.S. mail (see **ADDRESSES**), by telephone at 772-469-4234 or via email at alfredo_begazo@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 Fish and Wildlife Service (Service), announce receipt of an application from Nucor Steel Florida, Inc. (applicant) for a renewal of incidental take permit (ITP)

TE12906D-0 under the Endangered Species Act. The applicant requests the renewal of the ITP to extend the expiration date for 3 additional years in Polk County, Florida. The ITP would authorize take of the sand skink (*Neoseps reynoldsi*) and blue-tailed mole skink (*Eumeces egregius lividus*) via destruction of these species' feeding, breeding, and sheltering habitat associated with commercial construction. The applicant's existing HCP provides measures to mitigate for the incidental take of the species. The proposed ITP extension will grant additional time to complete the metal recycling steel plant. The amendment to renew does not include any changes in the covered area, activity, amount or type of take, or species to be covered by the permit. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that this HCP qualifies as low-effect, categorically excluded, under the National Environmental Policy Act (NEPA; 42 U.S.C. 4231 *et seq.*). To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

Proposed Project

The applicant requests to extend the expiration date for three 3 additional years and does not include any other changes that alter the original review analyses by the Service. There is no request for additional take or increases in development levels; the proposed time extension maintains the existing levels of take but would extend the covered activities out to April 19, 2027, instead of April 19, 2024.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's project, extending the expiration date of the original ITP for 3 additional years, would individually and cumulatively have a minor or negligible effect on the covered species and the environment. Therefore, we have preliminarily concluded that renewal of the ITP for this project would qualify for categorical exclusion and that this action is low effect under our NEPA regulations at 43 CFR 46.205 and 46.210. A low-effect action is one that would result in (1) minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) minor or negligible effects on other environmental values or resources; and (3) impacts that, when considered together with the impacts of other past,

present, and reasonably foreseeable similarly situated projects, would not over time result in significant cumulative effects to environmental values or resources.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER9460033 to Nucor Steel Florida, Inc.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Authority

The Service provides this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32), and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46).

Robert L. Carey,

Division Manager, Environmental Review, Florida Ecological Services Office.

[FR Doc. 2024-10349 Filed 5-10-24; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R8-ES-2024-0046; FF08ESMF00-245-FXES11140800000]

Azalea Hybrid Power Project Habitat Conservation Plan, Kern County, CA; Draft Categorical Exclusion and Draft Habitat Conservation Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from SF Azalea, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act.

The applicant requests the ITP to take the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*) and giant kangaroo rat (*Dipodomys ingens*) incidental to development activities in Kern County, California. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, which is also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

DATES: We must receive your written comments on or before June 12, 2024.

ADDRESSES:

Obtaining Documents: The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS-R8-ES-2024-0046 at <https://www.regulations.gov>.

Submitting Comments: To send written comments, please use one of the following methods, and note that your information requests or comments are in reference to the draft CatEx, draft HCP, or both.

- *Internet:* Submit comments at <https://www.regulations.gov> under Docket No. FWS-R8-ES-2024-0046.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS-R8-ES-2024-0046; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

For more information, see Public Comments under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Justin Sloan, Senior Wildlife Biologist, San Joaquin Valley Division, Sacramento Fish and Wildlife Office, by phone at 916-414-6600. 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 (Service), announce receipt of an application from SF Azalea, LLC for a 35-year incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). Application for the permit requires the preparation of a habitat conservation plan (HCP) with measures to avoid, minimize, and mitigate the impacts of incidental take to the maximum extent practicable. The applicant prepared the draft Azalea Hybrid Power Project HCP pursuant to section 10(a)(1)(B) of the ESA.

We also make available a draft CatEx, prepared pursuant to the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6. The purpose of the draft CatEx is to assess the effects of issuing the permit and implementing the draft HCP on the natural and human environment.

We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that this proposed ITP qualifies as low effect, and may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, which is also available for public review.

Background Information

Section 9 of the ESA (16 U.S.C. 1531-1544 *et seq.*) and Federal regulations (50 CFR 17) prohibit the taking of fish and wildlife species listed as endangered or threatened under section 4 of the ESA. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. For more about the Federal habitat conservation plan (HCP) program, go to <https://www.fws.gov/service/habitat-conservation-plans>.

National Environmental Policy Act Compliance

The proposed issuance of a permit triggers the need for compliance with the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*). The draft CatEx was prepared to analyze the impacts of issuing an ITP based on the draft HCP,

to inform the public of the proposed action and associated impacts, and to disclose any irreversible commitments of resources.

Proposed Action

Under the Proposed Action Alternative, the Service would issue an ITP to the applicant for a period of 35 years for certain covered activities (described below). The applicant has requested an ITP for two covered species, the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*) and giant kangaroo rat (*Dipodomys ingens*)

Habitat Conservation Plan Area

The geographic scope of the draft HCP encompasses 560 acres in northwestern Kern County where the development will occur, and 210 acres in northwestern Kern County that will be used to mitigate impacts from HCP covered activities.

Covered Activities

The proposed section 10 ITP would allow incidental take of two covered species from covered activities in the proposed HCP area. The applicant is requesting incidental take authorization for covered activities, including site preparation, infrastructure development, construction, decommissioning, and management of the conservation easement area. The applicant is proposing to implement a number of project design features, including best management practices, as well as general and species-specific avoidance and minimization measures to minimize the impacts of the take from the covered activities.

Public Comments

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice, the draft CatEx, and the draft HCP. We particularly seek comments on the following:

1. Biological information concerning the species;
2. Relevant data concerning the species;
3. Additional information concerning the range, distribution, population size, and population trends of the species;
4. Current or planned activities in the area and their possible impacts on the species;
5. The presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, which are required to be considered in

project planning by the National Historic Preservation Act; and

6. Any other environmental issues that should be considered with regard to the proposed development and permit action.

Public Availability of Comments

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's proposed project would individually and cumulatively have a minor effect on the San Joaquin kit fox and giant kangaroo rat, and the human environment. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a low-effect ITP that individually or cumulatively would have a minor effect on the species and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations, DOI's NEPA regulations, and the DOI Departmental Manual. A low-effect ITP is one that would result in (1) minor or nonsignificant effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) impacts that, when added together with the impacts of other past, present, and reasonable foreseeable actions, would not result in significant cumulative effects to the human environment.

Next Steps

Issuance of an incidental take permit is a Federal proposed action subject to compliance with NEPA and section 7 of the ESA. We will evaluate the application, associated documents, and any public comments we receive as part of our NEPA compliance process to determine whether the application meets the requirements of section 10(a) of the ESA. If we determine that those requirements are met, we will conduct an intra-Service consultation under section 7 of the ESA for the Federal action for the potential issuance of an ITP. If the intra-Service consultation confirms that issuance of the ITP will not jeopardize the continued existence

of any endangered or threatened species, or destroy or adversely modify critical habitat, we will issue a permit to the applicant for the incidental take of the covered species.

Authority

We provide this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500–1508 and 43 CFR 46).

Michael Fris,

Field Supervisor, Sacramento Fish and Wildlife Office.

[FR Doc. 2024–10352 Filed 5–10–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

**[XXXD5198NI DS61100000
DNINR0000.000000 DX61104]**

Second Call for Nominations for the Exxon Valdez Oil Spill Public Advisory Committee

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of second call for nominations.

SUMMARY: The Department of the Interior is soliciting nominations for the *Exxon Valdez* Oil Spill Public Advisory Committee (Committee). This Committee advises the *Exxon Valdez* Oil Spill Trustee Council on decisions related to the planning, evaluation, funds allocation, and conduct of injury assessment and restoration activities related to the T/V *Exxon Valdez* oil spill of March 1989.

DATES: The deadline for submissions for the notice published on February 13, 2024 at 89 FR 10096 has been extended. All nominations must be received by June 27, 2024.

ADDRESSES: Send nomination packages by hard copy or via email to Shiway Wang, Executive Director, *Exxon Valdez* Oil Spill Trustee Council, 4230 University Drive, Suite 220, Anchorage, Alaska, 99508–4650, or at shiway.wang@alaska.gov. Also please copy Joy Maglaqui, Executive Assistant, on any email correspondence at joy.maglaqui@alaska.gov.

FOR FURTHER INFORMATION CONTACT: Grace Cochon, Department of the Interior, Office of Environmental Policy and Compliance, telephone number: (907) 786–3620; email: grace_cochon@ios.doi.gov.

SUPPLEMENTARY INFORMATION: The Committee was created pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America v. State of Alaska*, Civil Action No. A91–081 CV. The Committee advises the Trustee Council on matters relating to decisions on injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the government. The Trustee Council consists of representatives of the U.S. Department of the Interior, U.S. Department of Agriculture, National Oceanic and Atmospheric Administration, Alaska Department of Fish and Game, Alaska Department of Environmental Conservation, and Alaska Department of Law.

The Committee consists of 10 members to reflect balanced representation from each of the following principal interests: aquaculture/mariculture, commercial tourism, conservation/environmental, recreation, subsistence use, commercial fishing, native landownership, sport hunting/fishing, science/technology, and public-at-large. We are soliciting nominations for eight positions that represent aquaculture/mariculture, commercial tourism, recreation, subsistence use, commercial fishing, native landownership, science/technology, and public-at-large interests. The Committee members will be selected and appointed by the Secretary of the Interior to serve a four-year term.

Nomination Process: Nominations for membership may be submitted by any source. Nominations should include a résumé providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to evaluate the nominee's ability to meet Committee membership requirements and to contact a potential member.

Authority: 5 U.S.C. ch. 10.

Lisa M. Fox,

Regional Environmental Officer, Office of Environmental Policy and Compliance.

[FR Doc. 2024–10414 Filed 5–10–24; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NAGPRA–NPS0037914;
PPWOCRADN0–PCU00RP14.R50000]

**Notice of Inventory Completion:
Metropolitan State University of
Denver, Department of Sociology and
Anthropology, Denver, CO**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Metropolitan State University of Denver (MSU Denver), Department of Sociology and Anthropology has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 12, 2024.

ADDRESSES: Michala Stock, MSU Denver Department of Sociology and Anthropology, Campus Box 28, Cherry Creek Building, Room 239, Denver, CO 80217–3362, telephone (303) 605–7433, email mstock3@msudenver.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the MSU Denver Department of Sociology and Anthropology, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, eight individuals have been reasonably identified. No associated funerary objects are present.

Prior to 1987, human remains representing, at minimum, eight individuals were accessioned as inadvertent finds during archaeological excavations in the State of Colorado. The human remains consist of cranial and postcranial skeletal remains. University records indicate that this institution has conducted archaeological excavations throughout the state; however, archival records lack more specific geographical provenience for these individuals.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The MSU Denver Department of Sociology and Anthropology has determined that:

- The human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Eastern Shoshone Tribe of the Wind River Reservation, Wyoming; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Jicarilla Apache Nation, New Mexico; Navajo Nation, Arizona, New Mexico, & Utah; Northern Arapaho Tribe of the Wind River Reservation, Wyoming; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Shoshone-Bannock Tribes of the Fort Hall Reservation; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; The Osage Nation; and the Ute Mountain Ute Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 12, 2024. If competing requests for repatriation are received, the MSU Denver Department of Sociology and Anthropology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The MSU Denver Department of Sociology and Anthropology is responsible for sending a copy of this notice to the Indian Tribes

and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–10329 Filed 5–10–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NAGPRA–NPS0037915;
PPWOCRADN0–PCU00RP14.R50000]

**Notice of Inventory Completion:
Metropolitan State University of
Denver, Department of Sociology and
Anthropology, Denver, CO**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Metropolitan State University of Denver (MSU Denver), Department of Sociology and Anthropology has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 12, 2024.

ADDRESSES: Michala Stock, MSU Denver Department of Sociology and Anthropology, Campus Box 28, Cherry Creek Building, Room 239, Denver, CO 80217–3362, telephone (303) 605–7433, email mstock3@msudenver.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the MSU Denver Department of Sociology and Anthropology, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, five individuals have been reasonably identified. No associated funerary objects are present.

Prior to 1987, human remains representing, at minimum, five individuals were accessioned as inadvertent finds during archaeological excavations. University archival records indicate that these human remains were removed from Montezuma County, CO.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The MSU Denver Department of Sociology and Anthropology has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Apache Tribe of Oklahoma; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Navajo Nation, Arizona, New Mexico, & Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; and the Ute Mountain Ute Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 12, 2024. If competing requests for repatriation are received, the MSU Denver Department of Sociology and Anthropology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The MSU Denver Department of Sociology and Anthropology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–10335 Filed 5–10–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0037906;
PPWOCRADNO–PCU00RP14.R50000]**

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 12, 2024.

ADDRESSES: Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–2374, email jpickering@fas.harvard.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. No associated funerary objects are present.

Human remains representing, at minimum, one individual were collected at the Flandreau Indian School, Moody County, SD. The human

remains are hair clippings collected from one individual who was recorded as being 18 years old and identified as “Chippewa.” George E. Peters took the hair clippings at the Flandreau Indian School between 1930 and 1933. Peters sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Minnesota Chippewa Tribe, Minnesota (White Earth Band).

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 12, 2024. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–10324 Filed 5–10–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0037908;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, Bureau of Land Management, Craig, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management intends to carry out the disposition of human remains, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains or cultural items in this notice may occur on or after June 12, 2024. If no claim for disposition is received by May 13, 2025, the human remains or cultural items in this notice will become unclaimed human remains or cultural items.

ADDRESSES: Kymm Gresset, Field Manager, Bureau of Land Management, Little Snake Field Office, 455 Emerson Street, Craig, CO 81625, telephone (970) 826–5089, email kgresset@blm.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Bureau of Land Management, and additional information on the human remains or cultural items in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least one individual have been reasonably identified. The 313 associated funerary objects are ground stone and lithic artifacts and faunal bone tools and faunal bone fragments and associated feature sediment.

In Moffat County, Colorado, during planned excavations at 5MF.11113, human remains were discovered on December 22, 2023. The individual was found at the base of a pit-type feature of the site. Excavation of one mostly intact and complete adult female was completed on February 13, 2024. Within the fill, just above and surrounding the human remains, approximately 163 fragments of faunal bone and four pieces of stone-tool-making debris were noted. The fill also contained a large amount of well-preserved sagebrush and juniper charcoal fragments. The Ancestral remains were surrounded by several funerary objects including a large concave, pecked stone located near the right scapula. The stone was located above the thoracic and cervical vertebrae, scapulae, and rib area. A complete stone tool was located anterior to the coxae. Two ground stone manos were located just north of the cranium. Two burned and shattered stone tools, as well as 15 tested pebbles were located atop and adjacent to the cranium. Three complete bone awls (split ungulate long bones) and a lithic artifact were located just west of the left hand. A left-side, possible adult pronghorn scapula was located just beyond and west of the right hand. The remains of a possible deer scapula were located on the east side of the body beyond the coxae, and north of the possible canine cranium. A pile of broken, crushed, and unburned faunal bones with a lithic artifact on top was uncovered a few centimeters north of the left foot. An articulated distal tibia, calcaneus, and astragalus of a young adult deer-sized ungulate was present. An articulated, unfused, broken calcaneus and astragalus of a sub-adult deer or pronghorn-sized ungulate was also present. A possible canine cranium, in a fragmented pile, was located posterior to the coxae. These remains appear to represent a single individual. The remains are likely fox or coyote-sized canid. A lithic artifact was also recovered adjacent to the canine cranium. After recovery of the human remains and associated artifacts, additional fragments of ground stone artifacts were determined to be likely associated with the human remains, so those artifacts were recovered and placed with the remains and items above, secured at the BLM Field Office in Meeker, CO. Based on the analysis of charcoal from a different feature, it was determined that the site dates to around 5,500 years before present, which places the individual in the Archaic cultural context, as described by archaeologists.

Determinations

The Bureau of Land Management has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 313 objects (including 31 boxes of soil recovered from the burial feature) described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- The Crow Tribe of Montana; Eastern Shoshone Tribe of the Wind River Reservation, Wyoming; Hopi Tribe of Arizona; Northern Arapaho Tribe of the Wind River Reservation, Wyoming; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Pueblo of Jemez, New Mexico; Pueblo of Zia, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shoshone-Bannock Tribes of the Fort Hall Reservation; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and the Ute Mountain Ute Tribe have priority for disposition of the human remains or cultural item described in this notice.

Claims for Disposition

Written claims for disposition of the human remains or cultural items in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by May 13, 2025, the human remains or cultural items in this notice will become unclaimed human remains or cultural items. Claims for disposition may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition. Disposition of the human remains or cultural items in this notice may occur on or after June 12, 2024. If competing claims for disposition are received, the Bureau of Land Management must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains or cultural items are considered a single request and not competing requests. The Bureau of Land Management is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native

Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-10328 Filed 5-10-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0037903;
PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice. The human remains were collected at the Shoshone Indian School in Fremont County, WY, Fort Mohave Indian School in Mohave County, AZ, Chemawa (Salem) Indian School in Marion County, OR, Carson Indian School in Carson City County, NV, Sherman Institute in Riverside County, CA, and American Museum of Natural History in New York County, NY.

DATES: Repatriation of the human remains in this notice may occur on or after June 12, 2024.

ADDRESSES: Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496-2374, email jpickering@fas.harvard.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by the PMAE. The National Park Service

is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at minimum, 12 individuals were collected at the Shoshone Indian School in Fremont County, WY. The human remains are hair clippings collected from one individual who was recorded as being 18 years old, two individuals who were recorded as being 16 years old, one individual who was recorded as being 15 years old, three individuals who were recorded as being 14 years old, two individuals who were recorded as being 13 years old, and three individuals who were recorded as being 12 years old and identified as "Shoshone." Clell A. Newell took the hair clippings at the Shoshone Indian School between 1930 and 1933. Newell sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Human remains representing, at minimum, one individual was collected at the Fort Mohave Indian School in Mohave County, AZ. The human remains are hair clippings collected from one individual who was recorded as being 15 years old and identified as "Shoshone." Timothy G. Mackey took the hair clippings at the Fort Mohave Indian School between 1930 and 1933. Mackey sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Human remains representing, at minimum, one individual was collected at the Chemawa (Salem) Indian School in Marion County, OR. The human remains are hair clippings collected from one individual who was recorded as being 20 years old and identified as "Shoshone." James T. Ryan took the hair clippings at the Chemawa (Salem) Indian School between 1930 and 1933. Ryan sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Human remains representing, at minimum, one individual was collected at the Carson Indian School in Carson City, NV. The human remains are hair clippings collected from one individual who was recorded as being 20 years old and identified as "Shoshone." Frederic Snyder took the hair clippings at the Carson Indian School between 1930 and 1933. Snyder sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Human remains representing, at minimum, six individuals were

collected at the Sherman Institute, Riverside County, CA. The human remains are hair clippings collected from one individual who was recorded as being 22 years old, two individuals who were recorded as being 19 years old, and three individuals who were recorded as being 17 years old and identified as "Shoshone." Samuel H. Gilliam took the hair clippings at the Sherman Institute between 1930 and 1933. Gilliam sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Human remains representing, at minimum, one individual was collected at the American Museum of Natural History in New York County, NY. The human remains are hair clippings collected from one individual who was recorded as being an "Adult" and identified as "Shoshone." Dr. Henry L. Shapiro took the hair clippings at the American Museum of Natural History between 1930 and 1933. Shapiro sent the hair clippings to George Woodbury, who donated the hair clippings to the PMAE in 1935. No associated funerary objects are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of 22 individuals of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Eastern Shoshone Tribe of the Wind River Reservation, Wyoming.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 12, 2024. If competing

requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribe identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–10333 Filed 5–10–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0037919;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Longyear Museum of Anthropology, Colgate University, Hamilton, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Longyear Museum of Anthropology (LMA) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 12, 2024.

ADDRESSES: Kelsey Olney-Wall, Repatriation Manager, University Museums, Colgate University, 13 Oak Drive, Hamilton, NY 13346, telephone (315) 228–7677, email kolneywall@colgate.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the LMA, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least 14 individuals have been reasonably identified.

At minimum 14 individuals were believed to be removed between 1950 and 1980 from an unknown number of archaeological sites by avocational archaeologists associated with the Chenango Chapter of the New York State Archaeological Association (formally the Chenango Archaeological Society). The relationship between Theodore Whitney, an avocational archaeologist that donated materials and Ancestral remains to LMA, and the avocational Archaeologists in the Chenango Chapter of the New York State Archaeological Association (formally the Chenango Archaeological Society), along with the identified burials published in the Chenango Chapter bulletin, link these individuals to the Ancestral land of the Oneida Indian Nation. To date, the Ancestors removed from these sites have not been accounted for in other NAGPRA Inventories or past repatriations. Geographical affiliation from the Chenango Chapter excavations are consistent with the archaeologically documented territory of the Oneida Indian Nation.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the acquisition history of the human remains described in this notice.

Determinations

The LMA has determined that:

- The human remains described in this notice represent the physical remains of at least 14 individuals of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Oneida Indian Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or

a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 12, 2024. If competing requests for repatriation are received, the LMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The LMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–10332 Filed 5–10–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0037917;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Monterey Peninsula College, Monterey, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Monterey Peninsula College has completed an inventory of human remains and has determined that there is no lineal descendant and no Indian Tribe or Native Hawaiian organization with cultural affiliation.

DATES: Upon request, repatriation of the human remains in this notice may occur on or after June 12, 2024.

ADDRESSES: Jon Knolle, Vice President of Academic Affairs, Monterey Peninsula College, Monterey, CA 93940, telephone (831) 646–3030, email jknolle@mpc.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Monterey Peninsula College, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified based on the information available. No associated funerary objects are present. At unknown dates, the human remains were removed from unknown locations in Monterey, CA, and deposited at the Monterey Peninsula College Anthropology Department. The College found articles from a former student from the 1960s indicating human remains were discovered in Monterey, CA, "12 miles south of Point Lobos" and "near Jack's Peak" by a former student and donated to the College. The College has no evidence that the human remains referenced in the article are those listed in this notice other than the location of the human remains. No further information is known about the provenience of these human remains.

Consultation

Invitations to consult were sent to the Tule River Indian Tribe of the Tule River Reservation, California and to the following Indian groups without Federal recognition: Amah Mutsun Tribal Band in Galt, CA; Amah Mutsun Tribal Band of Mission San Juan Bautista in Lakeport, CA; Costanoan Ohlone Rumsen-Mutsen Tribe in Watsonville, CA; Costanoan Rumsen Carmel Tribe in Pomona, CA; Esselen Tribe of Monterey County in Carmel Valley, CA; Indian Canyon Mutsun Band of Costanoan in Hollister, CA; Muwekma Ohlone Indian Tribe of the SF Bay Area in Castro Valley, CA; North Valley Yokuts Tribe in Linden, CA; Ohlone/Costanoan-Esselen Nation in Monterey, CA; The Ohlone Indian Tribe in Fremont, CA; KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria in Woodland, CA; Rumsen Am: a Tur:ataj Ohlone in Hesperia, CA; and Tamien Nation in San Jose, CA. The Ohlone/Costanoan Esselen Nation responded to the invitation and participated in consultation.

Cultural Affiliation

The following types of information about the cultural affiliation of the human remains in this notice are available: geographical and other relevant information. The information, including the results of consultation, reasonably identified:

1. The Ohlone/Costanoan as an earlier group connected to the human remains;
2. The Tule River Indian Tribe of the Tule River Reservation, California as an Indian Tribe connected to the human remains; and

3. No relationship of shared group identity between the earlier group and the Indian Tribe that can be reasonably traced through time.

Determinations

The Monterey Peninsula College has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- No known lineal descendant who can trace ancestry to the human remains in this notice has been identified.
- No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains in this notice has been clearly or reasonably identified.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Upon request, repatriation of the human remains described in this notice may occur on or after June 12, 2024. If competing requests for repatriation are received, Monterey Peninsula College must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Monterey Peninsula College is responsible for sending a copy of this notice to any consulting lineal descendant, Indian Tribe, or Native Hawaiian organization.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-10325 Filed 5-10-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0037913; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: Placer County Museums, Auburn, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Placer County Museums intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 12, 2024.

ADDRESSES: Ralph Gibson, Museums Administrator, Placer County Museums, 101 Maple Street, Auburn, CA 95603, telephone (530) 889-6500, email museums@placer.ca.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Placer County Museums, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three lots of cultural items have been requested for repatriation. They are three lots of modified stones.

At an unknown date, one lot of modified stones were removed from users residing in Auburn, CA.

At an unknown date, one lot of modified stones were removed from an unknown location.

In 1890, one lot of modified stones were removed from an earthen bank near Alta in Placer County, CA.

Determinations

The Placer County Museums has determined that:

- The three lots of objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the United Auburn Indian Community of the Auburn Rancheria of California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 12, 2024. If competing requests for repatriation are received, the Placer County Museums must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Placer County Museums is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–10326 Filed 5–10–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NAGPRA–NPS0037916;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Ball State University, David Owsley Museum of Art, Muncie, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the David Owsley Museum of Art of Ball State University (DOMA) intends to repatriate certain cultural items that meet the definition of sacred objects, and objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 12, 2024.

ADDRESSES: Chyan Gilaspy, Ball State University, Applied Anthropology Laboratories, 2000 W University Avenue, Muncie, IN 47306, telephone (765) 285–5362, email NAGPRA@bsu.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of DOMA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The sacred objects/objects of cultural patrimony are one royal poi bowl and one carved wood bowl with two standing figures. In 1983, a private donor donated one item of cultural patrimony/sacred object (carved wood bowl with two standing figures) to DOMA. This item is identified by DOMA catalog number 1983.006.080. There is no known information for this item regarding the geographic location or donor acquisition history. In 1986, a private donor donated one object of cultural patrimony/sacred object (royal poi bowl) to DOMA. This item is identified by DOMA catalog number 1986.044.010. This item was given to the donor's father by the Governor of Hawaii in the early 1900s. There is no known information regarding the possible dates of creation or the presence of any potentially hazardous substances used to treat either of the cultural items.

Determinations

DOMA has determined that:

- The two sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).

- There is a reasonable connection between the cultural items described in this notice and the Pu'uhonua o Wailupe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 12, 2024. If competing requests for repatriation are received, DOMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. DOMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–10334 Filed 5–10–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS–WASO–NAGPRA–NPS0037918;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Longyear Museum of Anthropology, Colgate University, Hamilton, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Longyear Museum of Anthropology (LMA) at Colgate University intends to repatriate certain cultural items that meet the definition of unassociated funerary objects that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 12, 2024.

ADDRESSES: Kelsey Olney-Wall, Repatriation Manager, Longyear Museum of Anthropology, Colgate University, 13 Oak Drive, Hamilton, NY 13346, telephone (315) 228-7677, email kolneywall@colgate.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the LMA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is an angle stone pipe (Catalog A34/Index 127). The angle stone pipe was removed from an unknown archaeological site in Hickman County, Tennessee. The Donna N. Boudeman collection was purchased by the LMA in 1954. Mr. Donald O. Boudeman built his collection through purchasing items from auctions, other collections and collectors including Edward Waldron Payne. Mr. Boudeman's widow Donna N. Boudeman began selling the items in his collection after his unexpected death in 1949. It is not known how or when Mr. Boudeman came into possession of the angle stone pipe. There is no known presence of any potentially hazardous substances used to treat the cultural item.

Determinations

The LMA has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and was connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and The Chickasaw Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 12, 2024. If competing requests for repatriation are received, the LMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The LMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-10330 Filed 5-10-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS-WASO-NAGPRA-NPS0037912;
PPWOCRADNO-PCU00RP14.R50000]**

Notice of Inventory Completion: Placer County Museums, Auburn, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Placer County Museums has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 12, 2024.

ADDRESSES: Ralph Gibson, Museums Administrator, Placer County Museums, 101 Maple Street, Auburn, CA 95603, telephone (530) 889-6500, email museums@placer.ca.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Placer County Museums, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, six individuals have been reasonably identified.

Human remains representing, at least, one individual has been reasonably identified from an unknown location. The one lot of associated funerary objects is one lot of modified beads. At an unknown date, the one lot of modified beads was removed from the site.

Human remains representing, at least, one individual has been reasonably identified from a local Native American burial site in Placer County, CA. The two lots of associated funerary objects are one lot of modified beads and one lot of fauna. In 1951, the human remains and two lots of associated funerary objects were removed from the site.

Human remains representing, at least, one individual has been reasonably identified from a site in Placer County, CA. The three lots of associated funerary objects are one lot of modified beads, one lot of modified stones, and one lot of fauna. At an unknown date, the three lots of associated funerary objects were removed from the site.

Human remains representing, at least, one individual has been reasonably identified from a location in the vicinity of Christian Valley in Placer County, CA. The one lot of associated funerary objects is one lot of modified beads. In 1913, the one lot of modified beads was removed from the site.

Human remains representing, at least, one individual has been reasonably identified from a site that was two or three miles east of Lincoln, CA. The four lots of associated funerary objects are one lot of modified beads, one lot of shells, one lot of fauna, and one lot of unidentified materials. In the 1920s, the four lots of associated funerary objects were removed from the site.

Human remains representing, at least, one individual has been reasonably identified from an unknown location that is believed to be somewhere in west Placer County, CA. No associated funerary objects are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Placer County Museums has determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- The 11 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the United Auburn Indian Community of the Auburn Rancheria of California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after June 12, 2024. If competing requests for repatriation are received, the Placer County Museums must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Placer County Museums is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 3, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-10331 Filed 5-10-24; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint *Certain Wi-Fi Access Points, Routers, Range Extenders, Controllers and Components Thereof*, DN 3745; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.vusitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of TP-Link USA Corporation and TP-Link Corporation PTE Ltd on May 7, 2024. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the

United States, the sale for importation, and the sale within the United States after importation of certain wi-fi access points, routers, range extenders, controllers and components thereof. The complaint names as a respondent: Netgear Inc. of San Jose, CA. The complainant requests that the Commission issue a limited exclusion order, a cease and desist order, and impose a bond upon respondent alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file

replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3745") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹).

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public

inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 7, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–10340 Filed 5–10–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB 1140–0118]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Authorization for Release of Information—ATF Form 8620.56

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 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 30 days until June 12, 2024.

FOR FURTHER INFORMATION CONTACT: If you have 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, please contact: Jaclyn N. Wiltshire, Personnel Security Division, by email at Niki.Wiltshire@atf.gov, or by telephone at 202–648–9260.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, volume 89 page 14903, on Thursday, February 29th, 2024, allowing a 60-day comment period. 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 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/or
- 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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the information collection or the OMB Control Number 1140–0118. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Authorization for Release of Information.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* ATF Form 8620.56.

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 a brief*

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

abstract: Affected Public: Individuals or households.

Abstract: The Authorization for Release of Information (ATF F 8620.56) is used to determine if a candidate for federal or contractor employment at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) meets federal employment suitability requirements. Revisions to ATF F 8620.56 include removing the declination statement and signature/date fields and inserting a field for the candidate's personal email addresses, which will allow ATF to conduct searches of social media websites. This information collection (IC) is being revised to make minor material changes to the form, such as removing the declination statement and signature/date fields and including a field for the respondent's personal email addresses, which will allow ATF to conduct searches of social media websites.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 2,000.

7. *Estimated Time per Respondent:* 5 minutes.

8. *Frequency:* Once annually.

9. *Total Estimated Annual Time Burden:* 167 hours.

10. *Total Estimated Annual Other Costs Burden:* \$0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218 Washington, DC 20530.

Dated: May 7, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024-10281 Filed 5-10-24; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

[OMB Number 1121-0365]

Agency Information Collection Activities; Proposed eCollection Comments Requested Extension of a Previously Approved Collection; Death-in-Custody Reporting Act Program Collection

AGENCY: Bureau of Justice Assistance, Office of Justice Programs, Department of Justice

ACTION: 60-day notice.

SUMMARY: The Bureau of Justice Assistance, 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 July 12, 2024.

FOR FURTHER INFORMATION CONTACT: If you have 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, please contact: James Steyee, Program Analyst (DCRA) at james.d.steyee@usdoj.gov or telephone: 202-880-7420.

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: To comply with the mandate of the Death in Custody Reporting Act (Public Law 113-242), BJA is requesting an extension of its DCRA data collection form (which has been in place since the beginning of FY 2020 and requires states to report certain information about each reportable death in their state to the BJA. The DCRA Program requires State Administering Agencies (SAA) to collect and submit information regarding *the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the*

State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility) (PL 113-242).

For purposes of this notice, the term “reportable death” means any death that the DCRA Program or the Department’s guidelines require States to report. Generally, these are deaths that occurred during interactions with law enforcement personnel or while the decedent was in their custody or in the custody, under the supervision, or under the jurisdiction of a State or local law enforcement or correctional agency, such as a jail or prison and further defined in BJA’s DCRA Reporting Guidance and FAQ as well as its DCRA Compliance Guidelines.

The DCRA requires states to submit all known reportable deaths on a quarterly basis using an online data collection form in the Performance Measurement Tool (PMT). States may back-report deaths not previously known to them as well as correct and revising records with missing or unknown information each quarter.

Overview of This Information Collection

Type of Information Collection: Extension of a previously approved collection.

1. *The Title of the Form/Collection:* Death in Custody Reporting Act Program Collection.

2. *Form number:* DCR-1 and DCR-1A. DCR-1 (Quarterly Summary). This summary form requires States to either (1) identify all known reportable deaths that occurred in their jurisdiction during the corresponding quarter, or (2) affirm that no reportable deaths occurred in the State during the reporting period.

For each quarter in a fiscal year, a State must complete the Quarterly Summary (Form DCR-1) and submit it by the reporting deadline. The Quarterly Summary an accounting of all reportable deaths that occurred in the State during the corresponding quarter. If a State did not have a reportable death during the quarter, the State must so indicate on the Quarterly Summary. The reporting deadline to submit the Quarterly Summary is the last day of the month following the close of the quarter. For each quarter, BJA will send two reminders prior to the reporting deadline. Example. The second quarter of a fiscal year is January 1–March 31. The deadline to submit the second quarter Quarterly Summary (DCR-1) is April 30. BJA will send a reminder to States on or around March 31 and April 15.

DCR-1A (Incident Report). This incident report form requires States to provide additional information for each reportable death identified in the Quarterly Summary that occurred during interactions with law enforcement personnel or while in their custody. For each reportable death identified in the Quarterly Summary, a State must complete and submit by the same reporting deadline an Incident Report (Form DCR-1A), which contains specific information on the circumstances of the death and additional characteristics of the decedent. These include:

- The decedent's name, year of birth, gender, race, and ethnicity.
- The date of facility admission/arrest
- Date of death and time of death
- Location of the death including location name and address and facility type
- Name of the department or agency that detained, arrested, or was in the process of arresting the deceased
- Manner of death (or if unavailable due to and ongoing investigation, the name of the agency conducting the investigation)
- Description of the circumstances leading to the death.

States must answer all questions on the Incident Report before they can submit the form. If the State does not have sufficient information to complete one of the questions, then the State may select the "unknown" answer, if available, and then identify when the information is anticipated to be obtained.

3. *Component:* Bureau Justice Assistance, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* State (Primary) and Local Agencies (secondary). The obligation to respond is mandatory to comply with the DCRA (PL 113-242).

5. *Total Estimated Number of Respondents:* For purposes of this collection, the term "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands. Thus, the affected public that will be asked to respond on a quarterly basis each federal fiscal year includes the State Administering Agencies in each of the 56 States and Territories. These SAAs will be requesting information from approximately 19,450 state and local law enforcement agencies (LEAs), 56 state and territorial departments of corrections, and about 2,800 local adult jail jurisdictions. Not all jurisdictions will be required to report a death every

quarter dependent upon whether they experience any reportable deaths.

6. *Estimated Time per Respondent:* For purposes of this burden calculation, it is estimated that for each fiscal year there will be a total of 1,481 reportable deaths by 950 LEAs, 919 reportable deaths by about 335 jails, and 3,360 reportable deaths by nearly 540 prisons.

For FY 2024 and beyond, the total projected respondent burden is:
States estimated time to complete DCR-1 each quarter: 4 hrs. * 4 quarters * 56 state = 896 hours.

State estimated time to review and submit DCR-1A each quarter for each death: .25 hrs. * 7500 estimated deaths per year = 1875 hours

LEAs estimated time to complete DCR-1A on behalf of state: 950 estimated LEA * 4 quarters * .75 hours = 2850 hours.

Jails estimated time to complete DCR-1A on behalf of state: 335 estimated jails * 4 quarters * .75 hours = 1005 hours.

Prison estimated time to complete DCRA-1A on behalf of state: 540 estimated prisons * 4 quarters * .75 hours = 1620 hours.

7. *Frequency:* Quarterly.

8. *Total Estimated Annual Time Burden:* 8246 hours.

9. *Total Estimated Annual Other Costs Burden:* \$294,134 (\$35.67/hour * 8246 hours).

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: May 7, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024-10278 Filed 5-10-24; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Contractor Portal

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Federal Contract Compliance Programs (OFCCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995

(PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before June 12, 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: Wilson Vadukumcherry by telephone at 202-693-0110, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Contractor Portal is a platform where covered federal contractors and subcontractors must certify whether they are meeting their requirement to develop and maintain Affirmative Action Programs. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 12, 2023 (88 FR 86158).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (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.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that

information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OFCCP.

Title of Collection: Contractor Portal.

OMB Control Number: 1250–0012.

Affected Public: Private Sector—Businesses or other for-profits; Not-for-profit institutions.

Total Estimated Number of

Respondents: 98,257.

Total Estimated Number of

Responses: 98,257.

Total Estimated Annual Time Burden: 13,082 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Wilson Vadukumcherry,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2024–10318 Filed 5–10–24; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Material Hoists, Personnel Hoists, and Elevators

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before June 12, 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: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The information collection requirements contained in the Standard on Material Hoists, Personnel Hoists, and Elevators (29 CFR 1926.552) are designed to

protect workers who operate and work around personnel hoists. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 26, 2024 (89 FR 14111).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates 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.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Material Hoists, Personnel Hoists, and Elevators.

OMB Control Number: 1218–0231.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 9,882.

Total Estimated Number of Responses: 44,568.

Total Estimated Annual Time Burden: 11,957 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Certifying Official.

[FR Doc. 2024–10320 Filed 5–10–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0189]

Servicing Multi-Piece and Single Piece Rim Wheels Standard; Extension of the Office of Management and Budget’s (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget’s (OMB) approval of the information collection requirements specified in the Servicing Multi-Piece and Single Piece Rim Wheels Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by July 12, 2024.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at <https://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to <https://www.regulations.gov>. Documents in the docket are listed in the <https://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the websites. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2011–0189) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

For further information on submitting comments, see the “Public Participation” heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Seleda Perryman, Directorate of

Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693-2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following is a description of the information collection requirements contained in the standard on servicing multi-piece and single piece rim wheels.

Certification of Repair (§ 1910.177(d)(3)(iv))

This paragraph requires that when restraining devices and barriers are removed from service because they are defective, they shall not be returned to service until they are repaired and reinspected. If the repair is structural, the manufacturer or a Registered Professional Engineer must certify that the strength requirements specified in (d)(3)(i) of the Standard have been met. The certification records are used to assure that equipment has been properly repaired. The certification records also provide the most efficient means for OSHA compliance officers to determine that an employer is complying with the Standard.

Marking or Tagging of Wheel Components (§ 1910.177(e)(2))

This paragraph requires that defective wheels and wheel components “be marked or tagged unserviceable and

removed from the service area.” Under this requirement, OSHA is providing employers with sufficient information from which they can derive the wording to use in marking the object or constructing a tag. Therefore, this provision imposes no paperwork burden because it falls within the portion of 5 CFR 1320.3(c)(2) that states, “The public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included within the definition of ‘collection of information.’”

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in Servicing Multi-Piece and Single Piece Rim Wheels Standard. The agency is requesting that the burden remains for one hour.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: Servicing Multi-Piece and Single Piece Rim Wheels Standard.

OMB Control Number: 1218-0219.

Affected Public: Business or other for-profits.

Number of Respondents: 85.

Number of Responses: 9.

Frequency of Responses: On occasion.

Average Time per Response: 5/60.

Estimated Total Burden Hours: 1.

Estimated Cost (Operation and Maintenance): \$0.

IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at <https://www.regulations.gov>, which is the Federal eRulemaking Portal; or (2) by facsimile (fax), if your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693-1648. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (OSHA-2011-0189). You may supplement electronic submission by uploading document files electronically.

Comments and submissions are posted without change at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <https://www.regulations.gov> index, some information (*e.g.*, copyrighted material) is not publicly available to read or download from this website. All submission, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <https://www.regulations.gov> website to submit comments and access the docket is available at the website's “User Tips” link.

Contact the OSHA Docket Office at (202) 693-2350, (TTY) (877) 889-5627 for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 8-2020 (85 FR 58393).

Signed at Washington, DC, on May 6, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024-10317 Filed 5-10-24; 8:45 am]

BILLING CODE 4510-26-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**[NARA–2024–035]****Agency Information Collection Activities: Submission for OMB Review; Comment Request****AGENCY:** National Archives and Records Administration (NARA).**ACTION:** Notice of a request for comments regarding a new information collection.

SUMMARY: We are requesting that the Office of Management and Budget (OMB) renew its approval for us to engage in the following generic information collection request (generic ICR), and we invite you to comment on it: Generic Clearance for NARA Public and Education Program Registration. Under this information collection, we request registration and attendance information from people requesting to attend an education or other program at NARA.

DATES: OMB must receive written comments on or before June 12, 2024.**ADDRESSES:** Submit comments in writing to Mr. Nicholas A. Fraser, OIRA (NARA Desk Officer); Office of Management and Budget; New Executive Office Building; Washington, DC 20503, by fax at 202–395–5167; or electronically to Nicholas_A._Fraser@omb.eop.gov.**FOR FURTHER INFORMATION CONTACT:** Tamee Fechhelm, Paperwork Reduction Act Officer, by email at tamee.fechhelm@nara.gov or by telephone at 301.837.1694

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite comments proposed information collections. Comments and suggestions should address one or more of the following points: (a) whether the proposed information is necessary for NARA to properly perform its functions; (b) our estimates of the burden of the proposed information collections and their accuracy; (c) ways we could enhance the quality, utility, and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affect small businesses. Burden means the total time, effort, or financial resources people need to provide the information, including time to review instructions, process and maintain the information, search data sources, and respond.

We will summarize any comments you submit and include the summary in our request for OMB approval. All comments will become a matter of public record. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information.

Explanation of Generic ICRs

A generic ICR is a request for OMB to approve a plan for conducting more than one information collection using very similar methods when (1) we can evaluate the need for and the overall practical utility of the data in advance, as part of the review of the proposed plan, but (2) we cannot determine the details of the specific individual collections until a later time. Most generic clearances cover collections that are voluntary, low burden (based on a consideration of total burden, total respondents, or burden per respondent), and uncontroversial. This notice, for example, describes a general plan to gather registration information from members of the public who wish to participate in programs at NARA, through a series of registration forms used for a variety of current and future education programs at different facilities. As part of this plan, we construct, distribute, and use the registration forms in a similar manner, but customize each one for the type and location of the program involved.

Because we seek public comment on the plan, we do not need to seek public comment on each specific information collection that falls within the plan when we later develop the individual information collection. This saves the government time and burden, and it streamlines our ability to gather registration information so we can provide more responsive programs. However, we still submit each specific information collection (e.g., each form) to OMB for review, in accordance with the terms of clearance set upon approval of the plan. OMB assesses the individual forms for PRA requirements, ensures that they fit within the scope of this generic ICR plan, and includes the specific forms in the PRA public docket prior to our use of them.

Specifics on This Information Collection

Title: Generic Clearance for NARA Public and Education Program Registration

Description: This generic information collection request allows us to gather information from those members of the public who wish to register for public events, education programs, tours, and

training sponsored by NARA. We will not use these forms for quantitative information collections designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance.

Purpose: Collecting this information allows us to register participants for NARA's public, education, and training programs throughout the agency's locations, and to collect and process credit card payments. The information is also used to develop mailing lists for distribution of education-related information and special NARA training events, based on the request or expressed interest of the person registering. Advance registration allows NARA offices to schedule the tours, training, and events to maximize the participants' time and to accommodate the participants in the space. The information collected from registrants will help ensure that users have an effective, efficient, and satisfying experience with our programs, in compliance with E.O. 12862. Without the ability to collect this information, NARA would not be able to effectively organize events, resulting in possibly turning away members of the public from events that might be overbooked.

Conditions: We will submit a specific information collection for approval under this generic clearance only if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- Personally identifiable information (PII) is collected only to the extent necessary and is retained only for the period of time required by NARA records schedules;
- Information gathered will be used only internally for program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

As a general matter, information collections under this generic collection request will not result in any new

system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. In this notice, NARA solicits comments concerning the following information collection:

Title: Generic Clearance for NARA Public and Education Program Registration.

OMB number: 3095–0074.

Agency form numbers: NA 2027, 2029, 2030, 2032, 11009, 11009C.

Type of review: Regular.

Projected affected public: Individuals or households, business or other for-profit, not-for-profit institutions, schools, Federal, State, local, or Tribal government organizations.

Projected average estimates for the next three years:

Average expected annual number of forms: 6.

Average projected number of respondents per form: 1.

Estimated number of respondents in total: 10,000.

Estimated time per response: 10 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 1,667 hours.

Abstract: We offer a variety of education programs, public programs, tours, training, and events throughout the country. In order to register participants, we use various online and paper registration forms. Advance registration allows NARA offices to schedule the tours, training, and events to maximize the participants' time and to accommodate the participants in the space.

Sheena Burrell,

Executive for Information Services/CIO.

[FR Doc. 2024–10395 Filed 5–10–24; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2024–034]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: NARA is giving public notice that the agency proposes to request an extension to use the two information collections described in this notice, which the National Historical

Publications and Records Commission (NHPRC) uses in its grant program. NARA invites the public to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before July 12, 2024 to be assured of consideration.

ADDRESSES: Comments should be sent by mail to Paperwork Reduction Act Comments (MP), Room 4100; National Archives and Records Administration; 8601 Adelphi Rd., College Park, MD 20740–6001, or by email to tamee.fechhelm@nara.gov.

FOR FURTHER INFORMATION CONTACT: Please direct requests for additional information or copies of the proposed information collections and supporting statements to Tamee Fechhelm, by telephone at 301–837–1694.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) whether the proposed information collections are necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by these collections. NARA will summarize and include submitted comments in our request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

1. *Title:* National Historical Publications and Records Commission (NHPRC) Grant Program Budget Form and Instructions and NHPRC Grant Offer Acknowledgement.

OMB number: 3095–0013.

Agency form number: NA Form 17001 and 17001a.

Type of review: Regular.

Affected public: Nonprofit organizations and institutions, State and local government agencies, and federally-acknowledged or State-recognized Native American Tribes or groups, who apply for and receive NHPRC grants for support of historical documentary editions, archival

preservation and planning projects, and other records projects.

Estimated number of respondents:

244 per year submit applications; approximately 25 grantees need to submit revised budgets.

Estimated time per response: 10 hours per application; 5 hours per revised budget.

Frequency of response: On occasion for the application; as needed for revised budget. Currently, the NHPRC considers grant applications 2 times per year. Respondents usually submit no more than one application per year, and, for those who need to submit revised budgets, only one revised budget per year.

Estimated total annual burden hours: 1,765 hours.

Abstract: The NHPRC posts grant announcements to their website and to grants.gov (www.grants.gov), where the information will be specific to the grant opportunity named. The basic information collection remains the same. The NA Form 17001 is used by the NHPRC staff, reviewers, and the Commission to determine if the applicant and proposed project are eligible for an NHPRC grant, and whether the proposed project is methodologically sound and suitable for support. The NA Form 17001a, NHPRC Grant Offer Acknowledgement, is used after the Archivist of the United States, as chair of the Commission, recommends a grant for approval. The prospective grantee must acknowledge the offer of the grant and agree to meet the requirements of applicable Federal regulations. In addition, they must verify the existence of an indirect cost agreement with a cognizant Federal agency if they are claiming indirect costs in the project's budget.

2. *Title:* Accounting System and Financial Capability Questionnaire.

OMB number: 3095–0072.

Agency form numbers: NA Form 17003.

Type of review: Regular.

Affected public: Not-for-profit institutions and State, local, or Tribal government.

Estimated number of respondents: 75.

Estimated time per response: 4 hours.

Frequency of response: On occasion.

Estimated total annual burden hours: 300.

Abstract: Pursuant to the title 2, section 215 of the Code of Federal Regulations, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (formerly Office of Management and Budget (OMB) Circular A–110) and Office of Management and Budget Circular A–

133, Audits of States, Local Governments, and Non-Profit Organizations, grant recipients are required to maintain adequate accounting controls and systems in managing and administering Federal funds. Some of the recipients of grants from the National Historical Publications and Records Commission (NHPRC) have proven to have limited experience with managing Federal funds. This questionnaire is designed to identify those potential recipients and provide appropriate training or additional safeguards for Federal funds. Additionally, the questionnaire serves as a pre-audit function in identifying potential deficiencies and minimizing the risk of fraud, waste, abuse, or mismanagement, which we use in lieu of a more costly and time-consuming formal pre-award audit.

Sheena Burrell,

Executive for Information Services/CIO.

[FR Doc. 2024–10397 Filed 5–10–24; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board (NSB) hereby gives notice of the scheduling of a teleconference of the NSB for the transaction of NSB business pursuant to the NSF Act and the Government in the Sunshine Act. This meeting is being held on short notice. The Executive Committee determined that the interests of the National Science Foundation require the short notice.

TIME AND DATE: Friday, May 10, 2024, from 2–3 p.m. EDT.

PLACE: This meeting will be in person and via videoconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda is: NSB Chair's remarks about the agenda; Discussion of National Science Board's roles and responsibilities and vote.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, cblair@nsf.gov, 703/292–7000. Meeting information and updates may be found at www.nsf.gov/nsb.

Ann E. Bushmiller,

Senior Counsel to the National Science Board Office.

[FR Doc. 2024–10491 Filed 5–9–24; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Request for Public Comment: Interagency Arctic Research Policy Committee Draft Arctic Research Plan

AGENCY: National Science Foundation.

ACTION: Request for public comment.

SUMMARY: The National Science Foundation (NSF) Office of Polar Programs (OPP) is seeking public comment on the draft South Pole Station Master Plan, which can be found at https://www.nsf.gov/geo/opp/documents/SPSMP_Fed%20Reg%20Draft_NSF.pdf.

DATES: Written comments must be submitted no later than June 12, 2024.

ADDRESSES: Email comments to SPMasterPlan@nsf.gov. Send written submissions to Michael Gencarelli, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Voicemails can be left by calling (703) 292–7419. Please limit voicemails to five minutes in length.

Instructions: Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. NSF/OPP will review and consider all input received and revise the plan as necessary. When the final plan is released, comments and the commenters' names, along with responses, will become part of the public record and be made available on the NSF/OPP website. Do not submit confidential business information or otherwise sensitive or protected information. Comments sent by any other method, to any other address or individual, or received after the end of the comment period will not be considered. NSF/OPP acknowledges and is grateful for the time taken to provide comments.

FOR FURTHER INFORMATION CONTACT: Michael Gencarelli, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; telephone 703–292–7419; or send email to SPMasterPlan@nsf.gov.

SUPPLEMENTARY INFORMATION: The Amundsen-Scott South Pole station is one of three year-round stations operated by the National Science Foundation (NSF) as outlined in Presidential Memorandum 6646. The South Pole is a unique research site that supports projects ranging from cosmic observations to seismic and atmospheric studies. The South Pole Station begins austral summer operations in October of

each year. The station typically remains in summer operating mode until early February, at which point the eight-month long winter season begins.

Amundsen-Scott South Pole Station sits at the Earth's axis on a shifting continental ice sheet several miles thick. At an elevation of 2,835 meters (9,300 feet), the South Pole has an average monthly temperature in the austral summer of –28 °C (–18 °F); in the austral winter, the average monthly temperature is –60 °C (–76 °F).

The NSF Office of Polar Programs has identified the need for a South Pole Station Master Plan. The master plan looks at future infrastructure needs to support groundbreaking science at the South Pole, as well as phasing for implementation. NSF will consider input from the community before completing the final plan later this year. The final SPSMP will be posted online at www.usap.gov along with the existing Master Plans for NSF McMurdo Station and NSF Palmer Station.

Dated: May 8, 2024.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2024–10420 Filed 5–10–24; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board hereby gives notice of the scheduling of a teleconference of the National Science Board/National Science Foundation Commission on Merit Review (MRX) for the transaction of National Science Board business pursuant to the NSF Act and the Government in the Sunshine Act.

TIME AND DATE: Wednesday, May 15, 2024, from 4–6 p.m. EDT.

PLACE: This meeting will be in person and via videoconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda is: Commission Chair's remarks about the agenda; Discussion of preliminary implementation suggestions; Commission Chair's closing remarks.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, cblair@nsf.gov, 703/292–

7000. Meeting information and updates may be found at www.nsf.gov/nsb.

Ann E. Bushmiller

Senior Counsel to the National Science Board Office.

[FR Doc. 2024–10492 Filed 5–9–24; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0001]

Sunshine Act Meetings

TIME AND DATE: Week of May 13, 2024.

The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of May 13, 2024

Thursday, May 16, 2024

9:30 a.m. Affirmation Session (Public Meeting) (Tentative) Final Rule: Renewing Nuclear Power Plant Operating Licenses–Environmental Review (RIN 3150–AK32; NRC–2018–0296) (Tentative) (Contact: Wesley Held: 301–287–3591)

Additional Information: The public is invited to attend the Commission's meeting live; via teleconference. Details for joining the teleconference in listen only mode at <https://www.nrc.gov/pmns/mtg>.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held

at 301–287–3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meeting under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: May 9, 2024.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2024–10557 Filed 5–9–24; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2 p.m. on Thursday, May 16, 2024.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

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

Dated: May 9, 2024.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2024–10546 Filed 5–9–24; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35188; File No. 812–15519]

Goldman Sachs Private Credit Corp. and Goldman Sachs Asset Management, L.P.

May 7, 2024.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 18(a)(2), 18(c), 18(i) and section 61(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain closed-end management investment companies that have elected to be regulated as business development companies to issue multiple classes of shares with varying sales loads and asset-based distribution and/or service fees.

APPLICANTS: Goldman Sachs Private Credit Corp. and Goldman Sachs Asset Management, L.P.

FILING DATES: The application was filed on November 1, 2023, and amended on February 14, 2024.

HEARING OR NOTIFICATION OF HEARING:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretaries-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on June 3, 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.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. The Applicants: William J. Bielefeld, *william.bielefeld@dechert.com*; Caroline L. Kraus, *caroline.kraus@gs.com*; and Curtis A. Tate, *curtis.tate@ny.email.gs.com*.

FOR FURTHER INFORMATION CONTACT: Steven I. Amchan, Senior Counsel, or Lisa Reid Ragen, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and condition, please refer to Applicants' amended and restated application, dated February 14, 2024, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-10286 Filed 5-10-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100072; File No. SR-NYSEARCA-2023-63]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of a Proposed Rule Change To List and Trade Shares of the Grayscale Ethereum Futures Trust (ETH) ETF Under NYSE Arca Rule 8.200-E, Commentary .02 (Trust Issued Receipts)

May 7, 2024.

On September 19, 2023, NYSE Arca, Inc. ("NYSE Arca" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the Grayscale Ethereum Futures Trust (ETH) ETF under NYSE Arca Rule 8.200-E,

Commentary .02 (Trust Issued Receipts). The proposed rule change was published for comment in the **Federal Register** on October 3, 2023.³

On November 15, 2023, pursuant to section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On December 18, 2023, the Commission instituted proceedings under section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷ On March 22, 2024, the Commission designated a longer period for Commission action on the proposed rule change.⁸

On May 3, 2024, the Exchange withdrew the proposed rule change (File No. SR-NYSEARCA-2023-63).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-10282 Filed 5-10-24; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before June 12, 2024.

³ See Securities Exchange Act Release No. 98567 (Sept. 27, 2023), 88 FR 68171. Comments on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nysearca-2023-63/srnysearca202363.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 98944, 88 FR 81171 (Nov. 21, 2023).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 99198, 88 FR 88694 (Dec. 22, 2023).

⁸ See Securities Exchange Act Release No. 99842, 89 FR 21584 (Mar. 28, 2024).

⁹ 17 CFR 200.30-3(a)(12).

ADDRESSES: Written comments and recommendations for this information collection request 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 "Small Business Administration"; "Currently Under Review," then select the "Only Show ICR for Public Comment" checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at *Curtis.Rich@sba.gov*; (202) 205-7030, or from www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION: Section 7(a) of the Small Business Act authorizes the Small Business Administration to guaranty loans in each of the 7(a) Programs. The regulations covering these and other loan programs at 13 CFR part 120 require certain information from loan applicants and lenders that is used to determine program eligibility and compliance.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control 3245-0348

Title: Borrower Information Form, Lenders Application for Guaranty, and 7(a) Loan Post Approval Action Checklist.

Description of Respondents: 7(a) Program Participants.

SBA Form Numbers: 1919, 1971, 2237, 3518.

Estimated Number of Respondents: 103,817.

Estimated Annual Responses: 103,817.

Estimated Annual Hour Burden: 32,850.

Curtis Rich,

Agency Clearance Officer.

[FR Doc. 2024-10350 Filed 5-10-24; 8:45 am]

BILLING CODE 8026-09-P

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

SOCIAL SECURITY ADMINISTRATION**[Docket No. SSA–2023–0039]****Request for Information: Social Security Administration's Plan for Increasing Public Access to the Results of Federally Funded Scientific Research****AGENCY:** Social Security Administration.**ACTION:** Request for information.

SUMMARY: The Social Security Administration (SSA) requests public comment about how to implement our *Plan for Increasing Public Access to the Results of Federally Funded Scientific Research* (public access plan). Our public access plan provides general guidelines supporting public access to our scientific research publications and scientific research data. We are seeking public input to inform our development of specific policies and guidelines that will apply to all new research grants, cooperative agreements, contracts, and other awards made on or after December 31, 2025. The policies and guidelines will also apply to all scientific research by our employees published on or after December 31, 2025.

DATES: To ensure that your comments are considered, we must receive them no later than June 12, 2024.

ADDRESSES: You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2023–0039 so that we may associate your comments with the correct docket.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. Do not include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at www.regulations.gov. Use the “Search” function to find docket number SSA–2023–0039. The system will issue a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to 1 (833) 410–1631.

3. *Mail:* Mail your comments to the Office of Legislation and Congressional

Affairs, Regulations and Reports Clearance Staff, Social Security Administration, Mail Stop 3253 Altmeyer, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Ted Horan, Office of Research, Evaluation and Statistics, Social Security Administration (SSA), 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 966–2788.

For information on eligibility or filing for benefits, call our national toll-free number, 1–800–325–0778, or visit our internet site, Social Security Online, at www.ssa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Under the Social Security Act, we administer Old-Age and Survivors Insurance (OASI), which provides retirement and survivors benefits to qualified workers and their family members. Under Disability Insurance (DI), we provide benefits for workers who become disabled and their families, and provide financial support to aged, blind, and disabled adults and children who have limited income and resources under Supplemental Security Income (SSI). Our research budget funds scientific research, such as data development and dissemination, modeling efforts, administrative research, and retirement and disability policy research to better serve the public. We fund a range of extramural projects to better serve the public, including: disability and retirement policy research, demonstration projects to test ways to promote greater labor force participation among people with disabilities, evaluations of proposed or newly enacted legislative changes, and projects to maintain and improve basic data about our programs and beneficiaries. In addition to funding extramural projects, we employ statisticians, economists, and other research staff who conduct intramural research projects that are published in scholarly outlets such as scientific and professional journals.

In 2013, the White House Office of Science and Technology Policy (OSTP) issued a memorandum¹ requiring certain agencies to develop plans that support increased public access to

federally funded research results; and in 2022, OSTP issued a second memorandum² expanding the requirement to other agencies including SSA. In compliance with the memoranda, we published our public access plan available at <https://www.science.gov/Public-Access-Plans-Guidance.html> and at www.ssa.gov/open.

II. Request for Information

Through this Request for Information, we are asking interested persons and groups, including stakeholders across public and private sectors who may be familiar with or interested in the research work of our agency, for comments about how to implement our public access plan as we develop specific policies, requirements, and guidance for research we fund.

This Request for Information is for information and planning purposes only and should not be construed as a solicitation or as an obligation on our part. We will not respond to the comments we receive in response to this Request for Information, but we will use the comments to inform our development of specific public access policies and requirements for future research.

Public access to scientific research is subject to compliance with applicable Federal laws, regulations, and directives, including those intended to prevent disclosure of personally identifiable information and other restricted data.

Our public access plan summarizes our current extramural and intramural research; however, we are not requesting comments about our current research projects, ideas for future research, or unsolicited requests to conduct research or receive awards for research. For more information about opportunities to conduct research for the Social Security Administration, go to: www.ssa.gov/policy/about/research-funding.html or <https://www.ssa.gov/disabilityresearch/funding.htm>.

III. Discussion of Questions

We welcome comments about how we should implement our *Plan for Increasing Public Access to the Results of Federally Funded Scientific Research* at www.regulations.gov, by searching for this docket (SSA–2023–0039). Our public access plan explains how we will provide the public with free access to our scientific research publications and publicly releasable scientific research

¹ See 2013 Memo, https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf.

² See 2022 Memo, <https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf>.

data. Our public access plan summarizes our research programs, what research will be publicly accessible, proposed requirements, and actions we are taking to implement the plan. We appreciate public comments on the following questions.

1. *Scope and Applicability*—Our public access plan defines the scope of what research will be publicly accessible, including limitations to protect privacy of personally identifiable information. As we implement our public access plan, is there additional public access we should consider?

2. *Digital Repositories*—We will require that federally funded scientific research results are publicly accessible for free, including final scientific research reports, peer-reviewed scholarly publications, and the underlying scientific research data used to produce reports and publications, to the extent permitted by applicable law. We will require that final research publications are permitted to be available in an SSA-designated repository that we will select in 2024. Underlying scientific research data must be deposited in a repository and in a form that meets SSA's requirements. What types of digital repositories do researchers prefer for providing public access to research data? What should SSA consider as we develop requirements for which data repositories researchers may use?

3. *Costs*—For the expenses that researchers incur for providing public access, we may allow reasonable costs as part of a contract, grant, cooperative agreement, or other research award. What information is available to help us estimate the costs associated with providing public access to scientific research publications and data? How can we minimize those costs to maximize the funds available for research awards?

4. *SSA Research Information and Training*—Our public access plan provides information about our existing website where we describe our research programs. We will consider providing a new web page as a single point of access for information about our research programs, including how to find publicly accessible research publications and data. What information, guidance, or training about public access could we provide to help researchers and their institutions, beginning with applying for a research opportunity through the time of final publication?

5. *Equitable Research*—How can we ensure equity in research opportunities and access as we implement public

access requirements, and what challenges might certain institutions face with public access, including costs and publishing opportunities?

The Commissioner of the Social Security Administration, Martin O'Malley, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for SSA, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

[FR Doc. 2024-10279 Filed 5-10-24; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF STATE

[Delegation of Authority No. 557]

Redelegation of Authority to the Principal Deputy Assistant Secretary for Educational and Cultural Affairs and to the Deputy Assistant Secretary for Private Sector Exchange

ACTION: Delegation of authority.

SUMMARY: The State Department is publishing a Delegation of Authority signed by the Assistant Secretary for Educational and Cultural Affairs on May 6, 2024.

SUPPLEMENTARY INFORMATION: Lee A. Satterfield, Assistant Secretary for Educational and Cultural Affairs, signed the following "Redelegation of Authority to the Principal Deputy Assistant Secretary for Educational and Cultural Affairs and to the Deputy Assistant Secretary for Private Sector Exchange" on May 6, 2024. The State Department maintains the original document.

(Begin text.)

Redelegation of Authority to the Principal Deputy Assistant Secretary for Educational and Cultural Affairs and to the Deputy Assistant Secretary for Private Sector Exchange.

By virtue of the authority vested in me and in accordance with Delegation of Authority No. 236-3, dated August 28, 2000, I hereby re-delegate to the Principal Deputy Assistant Secretary for Educational and Cultural Affairs and to the Deputy Assistant Secretary for Private Sector Exchange, the authority to exercise the following-described authorities:

1. To the Principal Deputy Assistant Secretary for Educational and Cultural Affairs, the functions in section 102 of the Mutual Educational and Cultural

Exchange Act of 1961, as amended (22 U.S.C. 2452) (relating to the provision by grant, contract or otherwise for a wide variety of educational and cultural exchanges), sections 101(a)(15)(J) and 212(j) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J) and 1182(j)), and Division C, Title VI, Subtitle D, section 641 of Public Law 104-208 (8 U.S.C. 1372(h)(2)(A)) (relating to the designation of exchange visitor programs and related functions) as they relate to:

a. The suspension or revocation of responsible officers and the suspension, revocation, or denial of redesignation of exchange visitor programs;

b. The promulgation of regulations and issuance of policy guidance governing the Exchange Visitor Program; and

c. The performance of any other duties of the Principal Deputy Assistant Secretary identified in 2 CFR 62.50.

2. To the Deputy Assistant Secretary for Private Sector Exchange, the functions in section 102 of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2452) (relating to the provision by grant, contract or otherwise for a wide variety of educational and cultural exchanges), sections 101(a)(15)(J) and 212(j) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J) and 1182(j)), and section 641 of Public Law 104-208 (8 U.S.C. 1372(h)(2)(A)) (relating to the designation of exchange visitor programs and related functions) as they relate to:

a. Designation, denial of designation, and redesignation of exchange visitor programs;

b. The promulgation of regulations (and issuance of policy guidance) governing the Exchange Visitor Program; and

c. All other Exchange Visitor Program matters not otherwise addressed in the Exchange Visitor Program regulations.

In exercising this authority, the Deputy Assistant Secretary for Private Sector Exchange shall consult, as necessary, with the Principal Deputy Assistant Secretary for Educational and Cultural Affairs.

The Assistant Secretary and Under Secretary for Public Diplomacy and Public Affairs retain, and may at any time exercise, any function or authority redelegated herein.

All actions related to the responsibilities described herein which have been taken pursuant to any authority delegated prior to this Order or delegated by this Order, and which have been taken prior to and are in effect on the date of this Order, are hereby confirmed and ratified. Such

actions shall remain in force as if taken under this Order, unless or until rescinded, amended or superseded.

This delegation supersedes ECA Delegation of Authority 239 (March 10, 2000). This delegation does not rescind any existing delegation of authority pertaining to section 102 of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2452).

This document shall be published in the **Federal Register**.

(End text.)

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2024–10382 Filed 5–10–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority No. 556]

Delegation of Authority Appointment of Members to Certain Committees Compact of Free Association

By virtue of the authority vested the Secretary of State by the laws of the United States, including 22 U.S.C. 2651a, I hereby delegate to the Assistant Secretary for East Asian and Pacific Affairs, to the extent authorized by law, the authority to appoint one member each to the Federated States of Micronesia (FSM) Joint Trust Fund Committee, the Republic of the Marshall Islands (RMI) Trust Fund Committee, the FSM Joint Economic Management Committee, and the RMI Joint Economic Management and Financial Accountability Committee, pursuant to sections 205 and 206 of the Compact of Free Association Amendments Act of 2024 (Div. G, Title II, Pub. L. 118–42).

Provided that, the appointments to the FSM Joint Economic Management Committee and the RMI Joint Economic Management and Financial Accountability Committee will be after consultation with the Secretary of the Treasury.

The Secretary of State, the Deputy Secretary of State, the Deputy Secretary of State for Management and Resources, and the Under Secretary for Political Affairs may exercise any function or authority delegated by this delegation. This delegation of authority does not rescind or modify any other delegation of authority.

This document shall be published in the **Federal Register**.

Dated: April 30, 2024.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2024–10407 Filed 5–10–24; 8:45 am]

BILLING CODE 4710–30–P

DEPARTMENT OF STATE

[Public Notice: 12394]

30-Day Notice of Proposed Information Collection: Statement of Material Change, Merger, Acquisition, or Divestiture of a Registered Party

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to June 12, 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:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Battista, who may be reached at BattistaAL@state.gov or 202–663–3136.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Statement of Material Change, Merger, Acquisition, or Divestiture of a Registered Party.
- *OMB Control Number:* 1405–0227.
- *Type of Request:* Extension of a currently approved collection.
- *Originating Office:* Directorate of Defense Trade Controls, Bureau of Political Military Affairs, Department of State (T/PM/DDTC).
- *Form Number:* DS–7789.
- *Respondents:* Individuals and companies registered with DDTC and engaged in the business of manufacturing, brokering, exporting, or temporarily importing defense hardware or defense technology data.
- *Estimated Number of Respondents:* 698.
- *Estimated Number of Responses:* 698.
- *Average Time per Response:* 2 hours.

- *Total Estimated Burden Time:* 1396 hours.

- *Frequency:* On occasion.

- *Obligation to Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Directorate of Defense Trade Controls (DDTC), Bureau of Political-Military Affairs, U.S. Department of State, in accordance with the Arms Export Control Act (AECA) (22 U.S.C. 2751 *et seq.*) and the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130), has the principal missions of taking final action on license applications and other requests for defense trade transactions via commercial channels, ensuring compliance with the statute and regulations, and collecting various types of reports. By statute, Executive Order, regulation, and delegation of authority, DDTC is charged with controlling the export and temporary import of defense articles, the provision of defense services, and the brokering thereof, which are covered by the U.S. Munitions List.

ITAR §§ 122.4 and 129.8 requires registrants to notify DDTC in the event of a change in registration information or if the registrant is a party to a merger, acquisition, or divestiture of an entity producing or marketing ITAR-controlled items. Based on certain conditions enunciated in the ITAR, respondents must notify DDTC of these changes at differing intervals—no less than 60 days prior to the event, if a foreign person is acquiring a registered entity, and/or within 5 days of its culmination. This information is necessary for DDTC to ensure registration records are accurate and to determine whether the

transaction is in compliance with the regulations (e.g., with respect to ITAR § 126.1); assess the steps that need to be taken with respect to existing authorizations (e.g., transfers); and to evaluate the implications for US national security and foreign policy.

Methodology

This information will be collected by DDTC's electronic case management system and respondents will certify the data via electronic signature.

Michael J. Vaccaro,

Deputy Assistant Secretary, Directorate of Defense Trade Controls, Department of State.

[FR Doc. 2024–10365 Filed 5–10–24; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1332X]

Athens Transportation Partners, LLC— Abandonment Exemption—in Clarke County, Ga.

Athens Transportation Partners, LLC (ATP), has filed a verified notice of exemption under 49 CFR 1152.50 to abandon an approximately 6.5-mile rail line that runs from the northern end of the Oconee River trestle bridge in Athens-Clarke County at approximate milepost F–MP 98.8 (33°52'30.49" N, 83°21'28.11" W) to approximate milepost F–MP 105.3 (33°57'30.23" N, 83°22'14.95" W) in the north near East Broad Street in Athens, Clarke County, Ga. (the Line). The Line traverses U.S. Postal Service Zip Codes 30601, 30602 and 30605.

ATP has certified that: (1) no local freight traffic has moved over the Line during the past nine years; (2) no formal complaint filed by a user of rail service on the Line (or by a state or local government on behalf of such user) regarding cessation of service over the Line is pending with either the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (3) the requirements at 49 CFR 1105.7(b) and 1105.8(c) (notice of environmental and historic reports), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to government agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this

condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,¹ this exemption will be effective on June 12, 2024, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by May 23, 2024.³ Petitions to reopen and requests for public use conditions under 49 CFR 1152.28 must be filed by June 3, 2024.

All pleadings, referring to Docket No. AB 1332X, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on ATP's representative, Paul A. Cunningham, Harkins Cunningham LLP, 1750 K St. NW, Suite 300, Washington, DC 20006.

If the verified notice contains false or misleading information, the exemption is void ab initio.

ATP has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by May 17, 2024. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245. Comments on environmental or historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking

¹ Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (i.e., subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), ATP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by ATP's filing of a notice of consummation by May 13, 2025, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: May 7, 2024.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Eden Besera,

Clearance Clerk.

[FR Doc. 2024–10276 Filed 5–10–24; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

Release of Waybill Data

The Surface Transportation Board has received a request from the Michigan Technological University (WB24–20—4/30/24) for permission to use data from the Board's 1984–2022 Unmasked Carload Waybill Samples. A copy of this request may be obtained from the Board's website under docket no. WB24–20.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Alexander Dusenberry, (202) 245–0319

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2024–10413 Filed 5–10–24; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 2023–1859]

Agency Information Collection

Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Safe Disposition of Life-Limited Aircraft Parts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 14, 2024. The collection involves maintaining and recording “the status of life-limited parts of each airframe, engine, propeller, rotor, and appliance. The information to be collected is necessary for verifying the time-life of life-limited parts and is used to ensure parts that have reached their life-limit are not installed on an aircraft, or are removed from an aircraft and properly dispositioned.

DATES: Written comments should be submitted by June 12, 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: Randy A. Shafer by email at: Randy.A.Shafer@faa.gov; phone: 217–971–8378.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0665.

Title: Safe Disposition of Life-Limited Aircraft Parts.

Form Numbers: N/A.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 14, 2024 (89 FR 18700). The installation of parts that have exceeded their manufacturer specified life-limit onto aircraft operating in the National Airspace (NAS) compromises the safety

of the public who fly on those aircraft. The FAA has found life-limited parts that exceeded their operating limitations installed on aircraft through accident investigations, Suspected Unapproved Parts (SUPS) reports, and routine surveillance activities. To help prevent the installation of aircraft parts that have reached their life-limit, the FAA has instituted regulations that require persons who remove parts that have reached their life limit, to properly disposition those parts. Proper disposition may include part recordkeeping, tagging, marking, segregation, mutilation, or another method approved or accepted by the FAA. Additionally, when requested by a person required to disposition a life-limited part, the holder of a type certificate or design approval for a life-limited part must provide marking instructions or must state that the part cannot be practicably marked without compromising its integrity.

Respondents: 22,000 aircraft maintenance providers and design approval holders.

Frequency: As needed.

Estimated Average Burden per Response: 30 minutes per response.

Estimated Total Annual Burden: 53,500 hours.

Issued in Washington, DC, on May 7, 2024.

Tanya A. Glines,

Aviation Safety Inspector, Office of Safety Standards, Aircraft Maintenance Division, Airmen Section.

[FR Doc. 2024–10316 Filed 5–10–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Operating Limitations at New York LaGuardia Airport

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

ACTION: Extension to order.

SUMMARY: This action extends the Order Limiting Operations at New York LaGuardia Airport (LGA) published on December 27, 2006, as most recently extended October 28, 2022. The Order remains effective until October 24, 2026.

DATES: This action is effective on October 27, 2024.

ADDRESSES: Requests may be submitted by mail to Slot Administration Office, System Operations Services, AJR–0, Room 300W, 800 Independence Avenue SW, Washington, DC 20591, or by email to: 7-awa-slotadmin@faa.gov.

FOR FURTHER INFORMATION CONTACT: Al Meilus, Capacity Analysis and Slot Administration, FAA ATO System Operations Services, AJR–G5, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–2822; email al.meilus@faa.gov.

SUPPLEMENTARY INFORMATION:

Availability of Relevant Documents

You may obtain an electronic copy using the internet by:

(1) Searching the Federal eRulemaking Portal at www.regulations.gov;

(2) Visiting the FAA’s Dynamic Regulatory System website at <https://drs.faa.gov>; or

(3) Accessing the Government Publishing Office’s website at www.GovInfo.gov.

You also may obtain a copy by sending a request to the Federal Aviation Administration, Capacity Analysis and Slot Administration Office, AJR–G5, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–2822. Make sure to identify the docket number.

Background

The FAA historically limited the number of arrivals and departures at LGA through the implementation of the High Density Rule (HDR).¹ By statute enacted in April 2000, (the Aviation Investment and Reform Act for the 21st Century (AIR–21)), Congress terminated the HDR’s applicability to LGA beginning on January 1, 2007.² The FAA issued the Order Limiting Operations at New York LaGuardia Airport on December 27, 2006, adopting temporary limits on scheduled and unscheduled operations at LGA pending the completion of rulemaking to address long-term limits and related policies.³ This Order was amended on November 8, 2007, and August 19, 2008.⁴ Under the amended Order, the FAA limited scheduled and unscheduled operations at the airport to prevent congestion-related delays associated with LaGuardia’s limited runway capacity. The FAA extended the expiration date of the amended Order on October 7, 2009, April 4, 2011, May 14, 2013,

¹ 33 FR 17896 (Dec. 3, 1968). The FAA codified the rules for operating at high density traffic airports in 14 CFR part 93, subpart K. The HDR required carriers to hold a reservation, which came to be known as a “slot,” for each takeoff or landing under instrument flight rules at the high density traffic airports.

² Aviation Investment and Reform Act for the 21st Century (AIR–21), Public Law 106–181 (Apr. 5, 2000), 49 U.S.C. 41715(a)(2).

³ 71 FR 77854.

⁴ 72 FR 63224; 73 FR 48428.

March 27, 2014, May 25, 2016, September 18, 2018, September 18, 2020, and October 28, 2022.⁵

Under this Order, as amended, the FAA (1) maintains the current hourly limits of 71 for scheduled operations and three for unscheduled operations at LGA during the slot-controlled hours; (2) imposes an 80 percent minimum usage requirement for Operating Authorizations (OAs)⁶ with defined exceptions; (3) provides a mechanism for withdrawal of OAs for FAA operational reasons; (4) provides for a lottery to reallocate withdrawn, surrendered, or unallocated OAs; and (5) allows for trades and leases of OAs for consideration for the duration of the Order.

The reasons for retaining the Order have not changed appreciably since its initial issuance. Despite the dynamic demand during the 2022–2024 period, runway capacity at LGA remains limited, while demand for access to LGA remains high. The FAA has determined that the operational limitations imposed by this Order are appropriate and necessary. During the effective period of this Order, the FAA will continue to monitor demand, performance, and runway capacity at LGA, to determine if changes are warranted.

In 2009, the FAA reduced the scheduling limits under this Order from 75 operations per hour to 71 per hour to provide an opportunity to improve operations.⁷ The FAA did not require a reduction of historic slots to reach the new hourly limits. Instead, historic allocations were honored. However, slots voluntarily returned or withdrawn per the terms of the Order are not reallocated if the hourly totals exceed the revised 71 hourly scheduling limit. As a result of this historic practice, between 72 and 75 slots remain authorized in most slot-controlled hours. The FAA, in coordination with the Office of the Secretary of Transportation (OST), will continue to consider potential rulemaking to codify policies for slot-controlled airports.

Pending Issues

In extending the Orders limiting operations at LGA and John F. Kennedy International Airport (JFK) in 2018, the FAA noted that receipt of specific proposals for policy changes that would necessitate substantive modifications to

the Orders.⁸ Consideration of these issues is ongoing. Accordingly, the FAA is extending the expiration date of this Order until October 24, 2026. This expiration date coincides with the extended expiration date for the Order limiting scheduled operations at JFK, as also published elsewhere in the **Federal Register**.

The FAA continues to monitor demand, performance, and runway capacity at LGA in order to determine if changes are warranted during the effective period of this Order. The FAA is working with MITRE's Center for Advanced Aviation System Development on a study analyzing airport runway configurations and capacity. The continuation of this study will investigate the projected delays with alternative demand scenarios, as well as consider a number of the complexities associated with LGA operations, including interaction with other nearby airports and operational growth limitations due to the busy airspace surrounding the New York Area.

The FAA finds that notice and comment procedures under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest, as carriers have planned schedules for the Winter 2024/2025 scheduling season and no substantive amendments are included in this action. For these reasons, the FAA also finds that it is impracticable and contrary to the public interest to delay the effective date of this action under 5 U.S.C. 553(d).

The Amended Order

The Order, as amended, is recited below in its entirety.

A. Scheduled Operations

With respect to scheduled operations at LaGuardia:

1. The Order governs scheduled arrivals and departures at LaGuardia from 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday. Seventy-one (71) Operating Authorizations are available per hour and will be assigned by the FAA on a 30-minute basis. The FAA will permit additional, existing operations above this threshold; however, the FAA will retire Operating Authorizations that are surrendered to the FAA, withdrawn for non-use, or unassigned during each affected hour until the number of Operating

Authorizations in that hour reaches seventy-one (71).

2. The Order took effect on January 1, 2007, and will expire on October 24, 2026.

3. The FAA will assign operating authority to conduct an arrival or a departure at LaGuardia during the affected hours to the air carrier that holds equivalent slot or slot exemption authority under the High Density Rule of FAA slot exemption rules as of January 1, 2007; to the primary marketing air carrier in the case of AIR–21 small hub/non-hub airport slot exemptions; or to the air carrier operating the flights as of January 1, 2007, in the case of a slot held by a non carrier. The FAA will not assign operating authority under the Order to any person or entity other than a certificated U.S. or foreign air carrier with appropriate economic authority and with operating authority from FAA under 14 CFR part 121, 129 or 135.

4. For administrative tracking purposes only, the FAA will assign an identification number to each Operating Authorization.

5. An air carrier may lease or trade an Operating Authorization to another carrier for any consideration, not to exceed the duration of the Order. Notice of a trade or lease under this paragraph must be submitted in writing to the FAA Slot Administration Office, email 7-AWA-Slotadmin@faa.gov, and must come from a designated representative of each carrier. The FAA must confirm and approve these transactions in writing prior to the effective date of the transaction. However, the FAA will approve transfers between carriers under the same marketing control up to 5 business days after the actual operation. This post-transfer approval is limited to accommodate operational disruptions that occur on the same day of the scheduled operation.

6. Each air carrier holding an Operating Authorization must forward in writing to the FAA Slot Administration Office a list of all Operating Authorizations held by the carrier along with a listing of the Operating Authorizations actually operated for each day of the two-month reporting period, within 14 days after the last day of the two-month reporting period beginning January 1 and every two months thereafter. Any Operating Authorization not used at least 80 percent of the time over a two-month period will be withdrawn by the FAA except:

A. The FAA will treat as used any Operating Authorization held by an air carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the

⁵ 74 FR 51653; 76 FR 18616, amended by 77 FR 30585 (May 23, 2012); 78 FR 28278; 79 FR 17222; 81 FR 33126; 83 FR 47065; 85 FR 58255; and 87 FR 65159.

⁶ Also referred to herein as “slots.”

⁷ 74 FR 2646 (Jan. 15, 2009).

⁸ See discussion of “Current Issues” in 2018 JFK Order, 83 FR at 46865, and LGA Order, 83 FR at 47065.

period from December 24 through the first Saturday in January.

B. The FAA will treat as used any Operating Authorization obtained by an air carrier through a lottery under paragraph 7 for the first 120 days after allocation in the lottery.

C. The Administrator of the FAA may waive the 80 percent usage requirement in the event of a highly unusual and unpredictable condition which is beyond the control of the air carrier and which affects carrier operations for a period of five consecutive days or more.

7. In the event that Operating Authorizations are withdrawn for nonuse, are surrendered to the FAA, or are unassigned, the FAA will determine whether any of the available Operating Authorizations should be reallocated. If so, the FAA will conduct a lottery using the provisions specified under 14 CFR 93.225. The FAA may retime an Operating Authorization prior to reallocation in order to address operational needs.

8. If the FAA determines that a reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the air carrier from which it was taken, provided that the air carrier continues to operate scheduled service at LaGuardia.

9. The Vice President, System Operations Services, in coordination with the Chief Counsel of the FAA, is the final decision maker for determinations under this Order.

10. The FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown.

B. Unscheduled Operations⁹

With respect to unscheduled flight operations at LaGuardia, the FAA adopts the following:

⁹Unscheduled operations are operations other than those regularly conducted by an air carrier between LaGuardia and another service point. Unscheduled operations include general aviation, public aircraft, military, irregular charter, ferry, and positioning flights. Regularly conducted commercial flights require an Operating Authorization and may not use unscheduled operation reservations. Helicopter operations are excluded from the reservation requirement. Unscheduled flights operating under visual flight rules (VFR) may be accommodated by the local air

1. The Order applies to all operators of unscheduled flights, except helicopter operations, at LaGuardia from 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday.

2. The Order took effect on January 1, 2007, and will expire on October 24, 2026.

3. No person can operate an aircraft other than a helicopter to or from LaGuardia unless the operator has received, for that unscheduled operation, a reservation that is assigned by the David J. Hurley Air Traffic Control System Command Center's Airport Reservation Office (ARO), or for unscheduled visual flight rule operations, received clearance from ATC. Additional information on procedures for obtaining a reservation is available via the internet at <http://www.fly.faa.gov/ecvrs>.

4. Three (3) reservations are available per hour for unscheduled operations at LaGuardia. The ARO will assign reservations on a 30-minute basis.

5. The ARO receives and processes all reservation requests. Reservations are assigned on a "first-come, first-served" basis, determined as of the time that the ARO receives the request. A cancellation of any reservation that will not be used as assigned is required.

6. Filing a request for a reservation does not constitute the filing of an instrument flight rules (IFR) flight plan, as separately required by regulation. After the reservation is obtained, an IFR flight plan can be filed. The IFR flight plan must include the reservation number in the "remarks" section.

7. Air Traffic Control will accommodate declared emergencies without regard to reservations. Nonemergency flights in direct support of national security, law enforcement, military aircraft operations, or public aircraft operations will be accommodated above the reservation limits with the prior approval of the Vice President, System Operations Services, Air Traffic Organization. Procedures for obtaining the appropriate reservation for such flights are available via the internet at <http://www.fly.faa.gov/ecvrs>.

8. Notwithstanding the limits in paragraph 4, if the Air Traffic Organization determines that air traffic control, weather, and capacity conditions are favorable and significant delay is not likely, the FAA can accommodate additional reservations over a specific period. Unused operating

traffic control facilities and are not included in the hourly limits.

authorizations can also be temporarily made available for unscheduled operations. Reservations for additional operations are obtained through the ARO.

9. Reservations cannot be bought, sold, or leased.

10. The Vice President, System Operations Services, in coordination with the Chief Counsel of the FAA, is the final decision maker for determinations under this Order.

11. The FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown.

C. Enforcement

The FAA may enforce the Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). The FAA or Department of Justice also could file a civil action in U.S. District Court, under 49 U.S.C. 46106 or 46107, respectively, seeking to enjoin any carrier from violating the terms of the Order.

Issued in Washington, DC, on May 7, 2024.

Alyce Hood-Fleming,

Vice President, System Operations Services.

[FR Doc. 2024-10298 Filed 5-10-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Operating Limitations at John F. Kennedy International Airport

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

ACTION: Extension to order.

SUMMARY: This action extends the Order Limiting Operations at John F. Kennedy International Airport (JFK) published on January 18, 2008, and most recently extended on October 28, 2022. The Order remains effective until October 24, 2026.

DATES: This action is effective on October 27, 2024.

ADDRESSES: Requests may be submitted by mail to Slot Administration Office, System Operations Services, AJR-0, Room 300W, 800 Independence Avenue SW, Washington, DC 20591, or by email to: 7-awa-slotadmin@faa.gov.

FOR FURTHER INFORMATION CONTACT: Al Meilus, Capacity Analysis and Slot Administration, FAA ATO System Operations Services, AJR-G5, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-2822; email al.meilus@faa.gov.

SUPPLEMENTARY INFORMATION:**Availability of Relevant Documents**

You may obtain an electronic copy using the internet by:

(1) Searching the Federal eRulemaking Portal at www.regulations.gov;

(2) Visiting the FAA's Dynamic Regulatory System website at <https://drs.faa.gov>; or

(3) Accessing the Government Publishing Office's website at www.GovInfo.gov.

You also may obtain a copy by sending a request to the Federal Aviation Administration, Capacity Analysis and Slot Administration Office, AJR-G5, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267-2822. Make sure to identify the docket number.

Background

The FAA historically limited the number of arrivals and departures at JFK through the implementation of the High Density Rule (HDR).¹ By statute enacted in April 2000 (Aviation Investment and Reform Act for the 21st Century (AIR-21)), operations were added at JFK through provisions permitting exemptions for new entrant carriers and flights to small and non-hub airports.²

The HDR's applicability to JFK operations terminated as of January 1, 2007.³ With the AIR-21 exemptions and the HDR phase-out, some air carriers serving JFK significantly increased their scheduled operations throughout the day and retimed existing flights. This resulted in scheduled demand in peak hours that exceeded the airport's capacity and caused significant congestion and delay.

In January 2008, the FAA placed temporary limits on scheduled operations at JFK to mitigate persistent congestion and delays at the airport.⁴ The FAA extended the January 18, 2008, Order placing temporary limits on scheduled operations at JFK on October 7, 2009, April 4, 2011, May 14, 2013, March 26, 2014, May 24, 2016, as corrected June 21, 2016, September 17,

2018, September 18, 2020, and on October 28, 2022.⁵

Under this Order, as amended, the FAA (1) maintains the current hourly limits of 81 scheduled operations at JFK during the slot-controlled hours; (2) imposes an 80 percent minimum usage requirement for Operating Authorizations (OAs)⁶ with defined exceptions; (3) provides a mechanism for withdrawal of OAs for FAA operational reasons; (4) establishes procedures to allocate withdrawn, surrendered, or unallocated OAs; and (5) allows for trades and leases of OAs for consideration for the duration of the Order.

The reasons for retaining the Order have not changed appreciably since its initial issuance. Despite the dynamic demand during the 2022-2024 period, demand for access to JFK remains high and multiple new entrant and other incumbent airlines have requested new peak period operations and retiming of existing flights to higher demand hours. The FAA has determined that the operational limitations imposed by this Order remain necessary. In the Winter 2023/2024 scheduling season, the allocated slots in the busiest hours were generally at the limits under this Order. For the Summer 2024 scheduling season, the initial requests for historic slots and retiming of existing slots continue to show demand is higher than the scheduling limits in multiple hours. Without the operational limitations imposed by the Order, the FAA expects severe congestion-related delays would occur at JFK and at other airports throughout the National Airspace System (NAS).

The FAA will continue to monitor demand, performance, and runway capacity at JFK, to determine if changes are warranted during the effective period of this Order. The FAA, in coordination with the Office of the Secretary of Transportation (OST), will also continue to consider potential rulemaking to codify policies for slot-controlled airports.

Pending Issues

In extending the Orders limiting operations at JFK and LaGuardia National Airport (LGA) in 2018, the FAA noted that receipt of specific proposals for policy changes that would necessitate modifications to the Orders.⁷ Consideration of these issues is ongoing.

In addition, the FAA is reviewing substantive amendments to the International Air Transport Association Worldwide Slot Guidelines (WSG, now known as the Worldwide Airport Slot Guidelines or "WASG") and considering whether to implement certain changes in the United States.⁸

Accordingly, the FAA is extending the expiration date of this Order until October 24, 2026. This expiration date coincides with the extended expiration date for the Order limiting operations at LGA, as also published elsewhere in the **Federal Register**.

The FAA continues to monitor demand, performance, and runway capacity at JFK, to determine if changes are warranted during the effective period of this Order. The FAA continues to study and analyze airport runway configurations, capacity, delays with alternative demand scenarios, as well as consider a number of the complexities associated with JFK operations, including interaction with other nearby airports and operational growth limitations due to the busy airspace surrounding the New York Area.

The FAA finds that notice and comment procedures under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest, as carriers have planned schedules for the Winter 2024/2025 scheduling season and no significant substantive changes are included in this action. For these reasons, the FAA also finds that it is impracticable and contrary to the public interest to delay the effective date of this Order under 5 U.S.C. 553(d).

This Order is the equivalent of limited local rules as referenced in the WSG and takes precedence over the WSG where there are differences.⁹

At JFK, the FAA follows the WSG in many respects such as new entrant priority¹⁰ and consideration of schedule constraints such as terminal, gate, parking, customs and immigration, curfews, and similar operational factors.

⁸ <https://www.iata.org/en/policy/slots/slot-guidelines/>.

⁹ As previously indicated, the FAA is reviewing substantive amendments to the WSG adopted in version 10 (Aug. 1, 2019) and included in the current WASG, and considering whether to implement certain changes in the United States. The FAA continues to generally apply edition 9 of the WSG (Jan. 1, 2019) to inform its slot administration decisions at JFK, available at: www.regulations.gov/document/FAA-2007-29320-0058.

¹⁰ Under current policy and procedures, the FAA applies the definitions for "new entrant" as set forth in the WSG edition 9 (Jan. 1, 2019), which is "an airline requesting a series of slots at an airport on any day where, if the airline's request were accepted, it would hold fewer than 5 slots at that airport on that day."

¹ 33 FR 17896 (Dec. 3, 1968). The FAA codified the rules for operating at high density traffic airports in 14 CFR part 93, subpart K. The HDR required carriers to hold a reservation, which came to be known as a "slot," for each takeoff or landing under instrument flight rules at the high density traffic airports.

² Aviation Investment and Reform Act for the 21st Century (AIR-21), Public Law 106-181 (Apr. 5, 2000), 49 U.S.C. 41715(a)(2).

³ *Id.*

⁴ 73 FR 3510 (Jan. 18, 2008), as amended by 73 FR 8737 (Feb. 14, 2008).

⁵ 74 FR 51650; 76 FR 18620; 78 FR 28276; 79 FR 16854; 81 FR 32636; 81 FR 40167; 83 FR 46865; 85 FR 58258; and 87 FR 65161.

⁶ Also referred to herein as "slots."

⁷ See discussion of "Current Issues" in 2018 JFK Order, 83 FR at 46865, and 2018 LGA Order, 83 FR at 47065.

The Amended Order

The Order, as amended, is recited below in its entirety.

1. This Order continues the process for assigning operating authority to conduct an arrival or a departure at JFK during the affected hours to any certificated U.S. air carrier or foreign air carrier. The FAA will not assign operating authority under this Order to any person or entity other than a certificated U.S. or foreign air carrier with appropriate economic authority and with operating authority from FAA under 14 CFR part 121, 129, or 135. This Order applies to the following:

a. All U.S. air carriers and foreign air carriers conducting scheduled operations at JFK as of the date of this Order, any U.S. air carrier or foreign air carrier that operates under the same designator code as such a carrier, and any air carrier or foreign-flag carrier that has or enters into a codeshare agreement with such a carrier.

b. All U.S. air carriers or foreign air carriers initiating scheduled or regularly conducted commercial service to JFK while this Order is in effect.

c. The Vice President, System Operations Services, in coordination with the Chief Counsel of the FAA, is the final decision maker for determinations under this Order.

2. This Order governs scheduled arrivals and departures at JFK from 6 a.m. through 10:59 p.m., Eastern Time, Sunday through Saturday.

3. This Order took effect on March 30, 2008, and will expire October 24, 2026.

4. Under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40101, 40103, and 40113, we hereby order that:

a. No U.S. air carrier or foreign air carrier initiating or conducting scheduled or regularly conducted commercial service at JFK may conduct such operations without an Operating Authorization assigned by the FAA.

b. Except as otherwise authorized by the FAA based on historic precedence, scheduled U.S. air carrier and foreign air carrier arrivals and departures will not exceed 81 per hour from 6 a.m. through 10:59 p.m., Eastern Time.

c. The Administrator may change the limits if the Administrator determines that capacity exists to accommodate additional operations without a significant increase in delays.

5. For administrative tracking purposes only, the FAA will assign an identification number to each Operating Authorization.

6. A carrier holding an Operating Authorization may request the Administrator's approval to move any

arrival or departure scheduled from 6:00 a.m. through 10:59 p.m. to another half hour within that period. Except as provided in paragraph 7, the carrier must receive the written approval of the Administrator, or his delegate, prior to conducting any adjusted arrival or departure. All requests to move an allocated Operating Authorization must be submitted to the FAA Slot Administration Office, email 7-AWA-Slotadmin@faa.gov, and must come from a designated representative of the carrier. If the FAA cannot approve a carrier's request to move a scheduled arrival or departure, the carrier may then apply for a trade in accordance with paragraph 7.

7. For the duration of this Order, a carrier may enter into a lease or trade of an Operating Authorization to another carrier for any consideration. Notice of a trade or lease under this paragraph must be submitted in writing to the FAA Slot Administration Office, email 7-AWA-Slotadmin@faa.gov, and must come from a designated representative of each carrier. The FAA must confirm and approve these transactions in writing prior to the effective date of the transaction. The FAA will approve transfers between carriers under the same marketing control up to five business days after the actual operation, but only to accommodate operational disruptions that occur on the same day of the scheduled operation. The FAA's approval of a trade or lease does not constitute a commitment by the FAA to grant the associated historical rights to any operator in the event that slot controls continue at JFK after this Order expires.

8. A carrier may not buy, sell, trade, or transfer an Operating Authorization, except as described in paragraph 7.

9. Historical rights to Operating Authorizations and withdrawal of those rights due to insufficient usage will be determined on a seasonal basis and in accordance with the schedule approved by the FAA prior to the commencement of the applicable season.

a. For each day of the week that the FAA has approved an operating schedule, any Operating Authorization not used at least 80% of the time over the time-frame authorized by the FAA under this paragraph will be withdrawn by the FAA for the next applicable season except:

i. The FAA will treat as used any Operating Authorization held by a carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Saturday in January.

ii. The Administrator of the FAA may waive the 80% usage requirement in the

event of a highly unusual and unpredictable condition which is beyond the control of the carrier and which affects carrier operations for a period of five consecutive days or more.

b. Each carrier holding an Operating Authorization must forward in writing to the FAA Slot Administration Office a list of all Operating Authorizations held by the carrier along with a listing of the Operating Authorizations and:

i. The dates within each applicable season it intends to commence and complete operations.

A. For each winter scheduling season, the report must be received by the FAA no later than August 15 during the preceding summer.

B. For each summer scheduling season, the report must be received by the FAA no later than January 15 during the preceding winter.

ii. The completed operations for each day of the applicable scheduling season:

A. No later than September 1 for the summer scheduling season.

B. No later than January 15 for the winter scheduling season.

iii. The completed operations for each day of the scheduling season within 30 days after the last day of the applicable scheduling season.

10. In the event that a carrier surrenders to the FAA any Operating Authorization assigned to it under this Order or if there are unallocated Operating Authorizations, the FAA will determine whether the Operating Authorizations should be reallocated. The FAA may temporarily allocate an Operating Authorization at its discretion. Such temporary allocations will not be entitled to historical status for the next applicable scheduling season under paragraph 9.

11. The FAA considers the following factors and priorities in allocating Operating Authorizations, which the FAA has determined are available for reallocation—

a. Historical requests for allocation of an Operating Authorization in the same time;

b. New entrant status;

c. Retiming of historic Operating Authorizations;

d. Extension of a seasonal Operating Authorization to year-round service;

e. The effective period of operation;

f. The extent and regularity of intended use with priority given to year-round services;

g. The operational impacts of scheduled demand, including the hourly and half-hour demand and the mix of arrival and departure flights; and,

h. Airport facility constraints.

Any carrier that is not approved for allocation of an Operating Authorization

by the FAA may request it be placed on a waiting list for consideration should an Operating Authorization in the requested time become available during that scheduling season.

12. If the FAA determines that an involuntary reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the carrier from which it was taken, provided that the carrier continues to operate scheduled service at JFK.

13. The FAA may enforce this Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). The FAA or Department of Justice also could file a civil action in U.S. District Court, under 49 U.S.C. 46106 or 46107, respectively, seeking to enjoin any carrier from violating the terms of this Order.

14. The FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown.

Issued in Washington, DC, on May 7, 2024.

Alyce Hood-Fleming,

Vice President, System Operations Services.

[FR Doc. 2024-10297 Filed 5-10-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2024-0021]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor

vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 12, 2024.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No. FMCSA-2024-0021 using any of the following methods:

- **Federal eRulemaking Portal:** Go to www.regulations.gov/, insert the docket number (FMCSA-2024-0021) in the keyword box and click "Search." Next, choose the only notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery:** West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC, 20590-0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.

- **Fax:** (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, (202) 366-4001, fmcsmmedical@dot.gov. Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2024-0021), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone

number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2024-0021>. Next, choose the only notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number (FMCSA-2024-0021) in the keyword box and click "Search." Next, choose the only notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>, the comments are searchable by the name of the submitter.

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes also allow the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-

year period to align with the maximum duration of a driver's medical certification.

The 12 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The criteria states that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the ME in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication, and seizure-free for 10

years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

As a result of MEs misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified ME based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a notice of final disposition titled, "Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders," (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." Since that time, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in § 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (78 FR 3069).

III. Qualifications of Applicants

Travis Baugh

Travis Baugh is a 25-year-old class D license holder in Kentucky. They have a history of primary generalized epilepsy and have been seizure free since 2012. They take anti-seizure medication with the dosage and frequency remaining the same since 2019. Their physician states that they are supportive of Travis Baugh receiving an exemption.

Justin Brashers

Justin Brashers is a 42-year-old class B commercial driver's license (CDL) holder in Missouri. They have a history of chronic epilepsy and have been seizure free since 2015. They take anti-seizure medication with the dosage and frequency remaining the same since June 6, 2016. Their physician states that they are supportive of Justin Brashers receiving an exemption.

Donald Gloy

Donald Gloy is a 52-year-old class A CDL holder in Arizona. They have a history of generalized epilepsy and have been seizure free since 2019. They take anti-seizure medication with the dosage and frequency remaining the same since 2018. Their physician states that they are supportive of Donald Gloy receiving an exemption.

Eric Kirch

Eric Kirch is a 53-year-old class D license holder in Illinois. They have a history of generalized idiopathic epilepsy and have been seizure free for over nine years. They take anti-seizure medication with the dosage and frequency remaining the same for over eight years. Their physician states that they are supportive of Eric Kirch receiving an exemption.

Cole Leonardson

Cole Leonardson is a 22-year-old class D license holder in Idaho. They have a history of epilepsy and have been seizure free since December 2013. They take anti-seizure medication with the dosage and frequency remaining the same since December 2013. Their physician states that they are supportive of Cole Leonardson receiving an exemption.

Adam Marcus

Adam Marcus is a 39-year-old class D license holder in New York. They have a history of seizure disorder and have been seizure free since March 2010. They take anti-seizure medication with the dosage and frequency remaining the same for over 10 years. Their physician states that they are supportive of Adam Marcus receiving an exemption.

Adam Rossmiller

Adam Rossmiller is a 39-year-old class A CDL holder in North Carolina. They have a history of seizure disorder and have been seizure free since 2009. They take anti-seizure medication with the dosage and frequency remaining the same since September 2021. Their physician states that they are supportive of Adam Rossmiller receiving an exemption.

Andre Santiago

Andre Santiago is a 30-year-old class D license holder in New Jersey. They have a history of epilepsy and have been seizure free since 2006. They take anti-seizure medication. Their physician states that they are supportive of Andre Santiago receiving an exemption.

¹ These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

Jayes Scott

Jayes Scott is a 43-year-old class R license holder in Mississippi. They have a history of temporal lobe epilepsy and have been seizure free since March 8, 2016. They take anti-seizure medication with the dosage and frequency remaining the same since 2016. Their physician states that they are supportive of Jayes Scott receiving an exemption.

Nathan Shamon

Nathan Shamon is a 45-year-old class A CDL holder in Pennsylvania. They had a loss of consciousness. They take anti-seizure medication with the dosage and frequency remaining the same for over 15 years. Their physician states that they are supportive of Nathan Shamon receiving an exemption.

Tyler Tilson

Tyler Tilson is a 30-year-old class D license holder in Virginia. They have a history of a single provoked seizure and have been seizure free since October 6, 2022. They have never taken anti-seizure medication. Their physician states that they are supportive of Tyler Tilson receiving an exemption.

Daniel Troya

Daniel Troya is a 42-year-old class C license holder in North Carolina. They have a history of seizure disorder and have been seizure free since 2008. They take anti-seizure medication with the dosage and frequency remaining the same for over 10 years. Their physician states that they are supportive of Daniel Troya receiving an exemption.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024-10271 Filed 5-10-24; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Maritime Administration****U.S. Merchant Marine Academy
Advisory Council; Public Meeting**

AGENCY: Maritime Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Department of Transportation, Maritime

Administration (MARAD) announces a meeting of the U.S. Merchant Marine Academy (USMMA) Advisory Council (Council). During the meeting, the USMMA leadership will provide an update on programs and priorities, including: governance, sexual assault and sexual harassment, academics, culture and diversity, and facilities and infrastructure.

DATES: June 4, from 9 a.m. to 4:30 p.m. EST.

Written statements to be considered during the meeting must be received via email to USMMAAdvisoryCouncil@dot.gov no later than May 24, 2024. Requests for accommodations for a disability must be received via email by May 20, 2024.

ADDRESSES: The meeting will be held in-person at the USMMA. Meeting access information will be available no later than May 22, 2024. Requests to attend the meeting must be received by May 20, 2022, and permission will be based on space available. Requests will be taken as they are received until available spaces are full. General information about the Council is available at www.maritime.dot.gov/outreach/united-states-merchant-marine-academy-advisory-council.

FOR FURTHER INFORMATION CONTACT: The Council's Designated Federal Officer and Point of Contact, Mary Grice, 202-366-4264 or via email to USMMAAdvisoryCouncil@dot.gov.

SUPPLEMENTARY INFORMATION:**Background**

The Council is established pursuant to 46 U.S.C. 51323. The Council operates in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. app. 2.

The objective and scope of the Council is to provide independent advice and recommendations to the Secretary of Transportation (Secretary) on matters relating to the USMMA including in the areas of curriculum development and training programs; diversity, equity, and inclusion; sexual assault prevention and response; infrastructure maintenance and redevelopment; midshipmen health and welfare; governance and administrative policies; and other matters.

Agenda

The meeting agenda will cover, but is not limited to, the following proposed topics:

1. Welcome and opening remarks
2. Public comments
3. Subcommittees for Academics; Governance; Facilities; Climate/

Culture/Diversity, Equity and Inclusion; and Health/Safety/Wellness presentation of findings to the Council

4. Administrative items**Public Participation**

This meeting is open to the public and will be held at the Academy. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Any member of the public is permitted to file a written statement with the Council. Written statements should be sent to the Designated Federal Officer listed in the **FOR FURTHER INFORMATION CONTACT** section no later than May 24, 2024.

Only written statements will be considered by the Council; no member of the public will be allowed to present questions or speak during the meeting unless requested to do so by a member of the Council.

(Authority: 46 U.S.C. 51323; 5 U.S.C. 552b; 5 U.S.C. app. 2; 41 CFR parts 102-3.140 through 102-3.165)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024-10336 Filed 5-10-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****Notice of OFAC Sanctions Action**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one individual that has been placed on OFAC's Specially Designated Nationals and Blocked Persons 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 the individual are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley T. Smith, Director, tel.:

202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Compliance, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://ofac.treasury.gov/>).

Notice of OFAC Action

On May 7, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following individual are blocked under the relevant sanctions authorities listed below.

Individual

1. KHOROSHEV, Dmitry Yuryevich (a.k.a. KHOROSHEV, Dmitrii Yuryevich; a.k.a. KHOROSHEV, Dmitriy Yurevich; a.k.a. YURIEVICH, Dmitry; a.k.a. "LOCKBITSUPP"), Russia; DOB 17 Apr 1993; POB Russian Federation; nationality Russia; citizen Russia; Email Address khoroshev1@icloud.com; alt. Email Address sitedev5@yandex.ru; Gender Male; Digital Currency Address—XBT Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Passport 2018278055 (Russia); alt. Passport 2006801524 (Russia); Tax ID No. 366110340670 (Russia) (individual) [CYBER2].

Designated pursuant to section 1 (a)(ii)(D) of Executive Order 13694 of April 1, 2015, "Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities," 80 FR 18077, 3 CFR, 2015 Comp., p. 297, as amended by Executive Order 13757 of December 28, 2016, "Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities," 82 FR 1, 3 CFR, 2016 Comp., p. 659 (E.O. 13694, as amended) for being responsible for or complicit in, or having engaged in, directly or indirectly, an activity described in section 1(a)(ii) of E.O. 13694, as amended.

Dated: May 7, 2024.

Lisa M. Palluconi,

Deputy Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–10351 Filed 5–10–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Wednesday, June 19, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Wednesday, June 19, 2024, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information, please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: May 6, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–10313 Filed 5–10–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special

Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Wednesday, June 12, 2024.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Wednesday, June 12, 2024, at 11 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: May 6, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–10309 Filed 5–10–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference through the Microsoft Teams Platform.

DATES: The meeting will be held Thursday, June 27, 2024.

FOR FURTHER INFORMATION CONTACT: Conchata Holloway at 1–888–912–1227 or 214–413–6550.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, June 27, 2024, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information, please contact Conchata Holloway at 1-888-912-1227 or 214-413-6550, or write TAP Office, 1114 Commerce St. MC 1005, Dallas, TX 75242 or contact us at the website: <http://www.improveirs.org>.

The agenda will include the potential project referrals from the committees, and discussions on priorities the TAP will focus on for the 2024 year. Public input is welcomed.

Dated: May 6, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-10314 Filed 5-10-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Jose Cintron-Santiago at 1-888-912-1227 or 787-522-8607.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, June 13, 2024, at 1:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to

participate must be made with Jose Cintron-Santiago. For more information, please contact Jose Cintron-Santiago at 1-888-912-1227 or 787-522-8607, or write TAP Office, 48 Carr 165 Suite 2000, Guaynabo, PR 00968-8000 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: May 6, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-10311 Filed 5-10-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1-888-912-1227 or 202-317-4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Lines Project Committee will be held Thursday, June 13, 2024, at 4:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information, please contact Rosalind Matherne at 1-888-912-1227 or 202-317-4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: May 6, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-10312 Filed 5-10-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Ann Tabat at 1-888-912-1227 or (602) 636-9143.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Thursday, June 13, 2024, at 2:30 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Ann Tabat. For more information, please contact Ann Tabat at 1-888-912-1227 or (602) 636-9143, or write TAP Office, 4041 N. Central Ave Phoenix, AZ 85012 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: May 6, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-10310 Filed 5-10-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, June 11, 2024.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements (TAC) Project Committee will be held Tuesday, June 11, 2024, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612-5217 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: May 6, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-10308 Filed 5-10-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0262]

Agency Information Collection Activity: Designation of Certifying Official(s)

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 July 12, 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. 2900-0262" 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. 2900-0262" 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: Title 38 U.S.C. 3034(a), 3241, 3323(a), 3492, 3680, and 3684(a); 10 U.S.C. 16136(b), and 16166(b); title 38 CFR 21.4203(a), 21.5200(d), 21.5292(e)(2), 21.5810(a), 21.7140(a), 21.7652, and 21.7656.

Title: Designation of Certifying Official(s), VA Form 22-8794.

OMB Control Number: 2900-0262.

Type of Review: Revision of a currently approved collection.

Abstract: The law requires educational institutions and job training establishments to designate an official that will be responsible for certifying approved training for Veterans and other eligible persons. Each educational institution must have a VA certifying official on staff. The certifying official must submit to VA each student's enrollment information and any changes to such enrollment information. The "Designation of Certifying Official(s)" (VA Form 22-8794) provides VA with the names and signatures of those persons authorized to certify and submit to VA any new hours or changes in the enrollment of their VA students. The VA uses VA Form 22-8794 to maintain a record of the VA Certifying Official(s) responsible for certifying approved training for Veterans and other eligible beneficiaries.

Affected Public: Individuals and Households.

Estimated Annual Burden: 1,029 hours.

Estimated Average Burden Time per Respondent: 10 minutes.

Frequency of Response: Once on occasion.

Estimated Number of Respondents: 6,177.

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. 2024-10283 Filed 5-10-24; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS**[OMB Control No. 2900–0677]****Agency Information Collection Activity Under OMB Review: Contract for Training and Employment****AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900–0677.”

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. 2900–0677” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 501(a) and 38 U.S.C. 3104.

Title: Contract for Training and Employment (chapter 31, title 38, U.S. Code), 38 U.S.C. 501(a), 38 U.S.C. 3104.

OMB Control Number: 2900–0677.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 28–1903 is used to gather the necessary information to develop formal training agreements with an institution, training establishment, or employer for training and rehabilitation under 38 U.S.C. chapter 31. Additionally, the information is used to authorize a claimant’s participation in a program with a training vendor or facility under 38 U.S.C. 3104.

An agency may not conduct or sponsor, and a person is not required to

respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at insert citation date: 89 FR 15633, on March 4, 2024, page 15633.

Affected Public: Individuals and households.

Estimated Annual Burden: 1000 hours.

Estimated Average Burden Per

Respondent: 60 minutes.

Frequency of Response: 1.

Estimated Number of Respondents: 1000.

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. 2024–10284 Filed 5–10–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS**[OMB Control No. 2900–0678]****Agency Information Collection Activity Under OMB Review: On-The-Job Training Agreement**

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900–0678.”

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. 2900–0678” in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 501(a), 38 U.S.C. 3104 (a)(7), 38 U.S.C. 3116, 38 CFR 21.212.

Title: On The Job Training Agreement.

OMB Control Number: 2900–0678.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 28–1904, On the Job Training Agreement (chapter 31, title 38 United States Code) serves as a written agreement between an On-The-Job Training (OJT) establishment and the Department of Veterans Affairs. This agreement outlines that the OJT establishment will provide competent instruction, close supervision, maintain progress reports while the Department of Veterans Affairs will furnish tools, supplies and equipment and provide supervision to the Veterans with service-connected disabilities. This agreement is necessary to ensure that the responsibilities of both parties are specified and communicated clearly. VA needs this information collection in order to assure that Veterans in these types of programs are receiving appropriate training and VA can authorize payment of tools, supplies and subsistence allowance as appropriate. This form is used to ensure understanding of the required responsibilities by both parties.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at, 89 FR 16818 on Friday, March 8, 2024.

Affected Public: Individuals or Households.

Estimated Annual Burden: 89 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 354 per year.

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. 2024–10381 Filed 5–10–24; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

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May 13, 2024

Part II

Department of Education

34 CFR Chapter II

Comprehensive Centers Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[Docket ID ED–2023–OESE–0209]

Comprehensive Centers Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Final priorities, requirements, definitions, and selection criteria.

SUMMARY: The Department of Education (Department) announces priorities, requirements, definitions, and selection criteria under the Comprehensive Centers Program, Assistance Listing Number 84.283B. The Department may use one or more of these priorities, requirements, definitions, and selection criteria for competitions in fiscal year (FY) 2024 and in later years. The Department establishes these priorities, requirements, definitions, and selection criteria to help ensure that Comprehensive Centers provide high-quality capacity-building services to State, regional, Tribal and local educational agencies and schools that improve educational opportunities and outcomes, close achievement gaps, and improve the quality of instruction for all students.

DATES: These priorities, requirements, definitions, and selection criteria are effective June 12, 2024.

FOR FURTHER INFORMATION CONTACT: Dr. Michelle Daley. Telephone: (202) 987–1057. Email: OESE.ComprehensiveCenters@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The Comprehensive Centers Program supports the establishment of Comprehensive Centers to provide capacity-building services to State educational agencies (SEAs), regional educational agencies (REAs), local educational agencies (LEAs), and schools that improve educational opportunities and outcomes, close achievement gaps, and improve the quality of instruction for all students, particularly for groups of students with the greatest need, including students from low-income families and students attending schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

Program Authority: Section 203 of the Educational Technical Assistance Act of 2002 (ETAA) (20 U.S.C. 9601 *et seq.*).

The Department published a notice of proposed priorities, requirements, definitions, and selection criteria for this program in the **Federal Register** on January 23, 2024 (89 FR 4228) (the NPP). That document contained background information and reasons for proposing the priorities, requirements, definitions, and selection criteria.

Public Comment: In response to the invitation in the NPP, we received 45 comments on the proposed priorities, requirements, definitions, and selection criteria. We discuss substantive issues under each priority, requirement, definition, or selection criteria to which they pertain. We first discuss general issues and then group specific comments according to subject.

Generally, we do not address technical and other minor changes or suggested changes the law does not authorize us to make. In addition, we do not address comments that are outside the scope of the proposed priorities, requirements, definitions, and selection criteria. We also describe below additional changes the Department made to the priorities and selection criteria following internal review.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priorities, requirements, definitions, and selection criteria since publication of the NPP follow.

General Comments; Priorities

Comment: One commenter provided broad support for the proposed priorities, requirements, definitions, and selection criteria, particularly noting support for the foci and priorities designed to ensure that Comprehensive Centers provide support and assistance to schools and students with the greatest need, as well as the focus on ensuring that the work of the Centers is responsive to the needs of schools, districts, and States by requiring stakeholder engagement and needs-sensing activities. The commenter also had several recommendations regarding the upcoming Comprehensive Centers competition, including ensuring that Centers support each State, including rural and Tribal communities, and that the program include a unifying body that assists with coordination of efforts across all Centers and is nimble enough to address emerging issues and needs.

Discussion: We appreciate the support and feedback from the commenter and agree with their recommendations. We believe that the recommendations are addressed by the priorities, requirements, definitions, and selection

criteria, and that no changes are needed in that regard. In particular, we note that through Priority 2 titled “Regional Centers,” the Comprehensive Centers program is designed to support all States, and its services must address the unique educational obstacles faced by underserved populations, including students living in rural areas and Tribal students. Through Priority 1 titled “National Comprehensive Center,” we intend to establish and implement a unifying National Center with specific requirements for coordinating work across all Centers while also reserving resources to address emerging needs. Additionally, Program Requirement 8, for all Centers, requires an annual set-aside of five percent of the grant amount to support emerging needs which ensures that all Centers retain flexibility to address needs that may emerge throughout the grant cycle.

Changes: None.

Comment: One commenter expressed support for the language in Priority 1 requiring that the approach to capacity-building be driven by adult learning strategies and incorporate implementation, improvement, and systems change frameworks. The commenter further stated that this approach is imperative to the work of the Regional Centers and Content Centers and recommended that the same language be included in Priorities 2 and 3.

Discussion: The Department appreciates the support for this language and agrees with the commenter that all Centers should incorporate in their work adult learning principles and implementation, improvement, and systems change frameworks in order to most effectively support clients. The importance of this approach to providing high-quality capacity-building services is not unique to the National Center. Accordingly, we are adding this requirement to Priority 2 and Priority 3. Additionally, we update the priority language referring to adult learning strategies to “adult learning principles” to align with the language used in the program and application requirements.

Changes: We have revised Priorities 2 and 3 to include reference to adult learning principles and implementation, improvement, and systems change frameworks.

Comment: One commenter expressed support for the focus on continuous improvement throughout the Comprehensive Centers program, and particularly in the definition of “capacity building,” as used in Program Requirement 3 and Application Requirement 4. The commenter also

recommended that, throughout the priorities, requirements, and selection criteria, wherever we reference the selection, implementation, and scaling up of evidence-based practices or approaches, we add reference to “continuous improvement.”

Discussion: We appreciate the commenter’s feedback and support for the program’s focus on continuous improvement and its inclusion in our definition of “capacity-building services”. We believe that continuous improvement is inherently part of implementing evidence-based practices or approaches. Comprehensive Centers build the capacity of their clients to implement evidence-based practices through planning and implementing interventions, and in collaboration with Regional Educational Laboratories (RELs), studying or evaluating their efficacy, and acting on that information to continuously improve practices or approaches. In particular, as we note above, we are adding language to Priority 2 and Priority 3 on the need for Centers’ work to be driven by implementation science, improvement science, and systems change frameworks, which all include elements of continuous improvement as central to successful implementation, improvement, or systems change. Accordingly, we believe that, both as proposed and with the additions to Priority 2 and Priority 3, the priorities for each Center encompass the work of continuous improvement within how we define capacity-building services, how Centers design capacity-building services, and how we prioritize support for implementation of evidence-based practices or approaches and, therefore, no further changes are necessary.

Changes: None.

Comments: Two commenters expressed support for the inclusion of Tribal education in the Comprehensive Centers program. One commenter expressed general support for a deeper inclusion of Tribal communities and governments, and another provided specific support of the inclusion of Tribal Education Agencies (TEAs) as eligible beneficiaries of Comprehensive Center services.

Discussion: We appreciate the support for the inclusion of Tribal communities and governments overall and of TEAs as clients and recipients of Comprehensive Center program services specifically.

Changes: None.

Comment: One commenter noted the importance of serving the needs of immigrant students through the Comprehensive Centers program, including in the areas of digital literacy and access.

Discussion: We agree with the commenter on the importance of serving the needs of immigrant students and note that this priority was also identified by the Regional Advisory Committees. The Department believes that this focus is captured within the scope of the priorities. Specifically, Priority 2 requires each Regional Center to provide capacity-building services to assist clients and recipients in addressing the unique educational obstacles faced by underserved populations, including immigrant children and youth. Priority 3 provides for operation of Content Centers, including a Center in the area of English Learners and Multilingualism, which are also likely to further serve the needs of immigrant students. Priority 1 also includes support for emerging education topics of national importance not being met by other federally funded technical assistance (TA) providers, which could include emerging topics such as digital literacy and access. The Department has added to the examples listed in this priority to include support strategies for promoting digital literacy and access.

Changes: The Department has added language to Priority 1 to include examples of emerging needs related to digital literacy and access.

Comments: One commenter noted the importance of non-teacher faculty in supporting underserved students, particularly students who are migratory children. The commenter suggested that the Department more explicitly address how the needs of underserved students, particularly those who are migratory children, will be met on an individual level.

Discussion: We appreciate the commenter’s feedback and recommendations. Priority 2 requires services to be provided to address the unique educational obstacles faced by underserved populations, including migratory children. The Program Requirements for all Centers require Centers to plan and deliver services in response to educational challenges facing students, practitioners, and education system leaders, and in developing their annual service plans to ensure services are provided to support students and communities with the highest needs, including recipients serving student populations with demonstrated needs unmet or under-met through other Federal, State, or local interventions. We believe these provisions enable Centers to provide needed support for specific student populations, including students who are migratory.

Changes: None.

Comment: One commenter emphasized the importance of those working within the field of Indian Education to be aware of the treaties between the Federal Government and Indian Tribes regarding education.

Discussion: The Department agrees that Comprehensive Centers must have appropriate experience and expertise to adequately support their clients, including awareness of educational laws, regulations, and policies that impact their clients. We note that Priorities 1 and 2, for the National and Regional Centers, respectively, include language related to the role of the Centers in addressing the unique educational obstacles faced by Tribal students. The priorities, requirements, and definitions outline several ways in which the Comprehensive Centers program grantees may work with TEAs as clients. Additionally, Priority 2 establishes a Regional Center focusing on serving the Bureau of Indian Education. Program Requirement 2 for all Centers further requires Centers to develop and implement capacity-building services to reflect and address specific client needs and contexts. Application Requirement 3 for all Centers requires Centers to demonstrate appropriate subject matter expertise, which includes expert knowledge of statutory requirements, regulations, and policies related to ESEA programs, current education issues, and policy initiatives, as well as demonstrated experience in content areas for which they are engaged as experts. Finally, the selection criteria evaluate the extent to which Regional Centers applicants demonstrate that the proposed approach to capacity building would address key areas of identified client need, which may include the needs of TEA clients and other clients serving Tribal students. In responding to the criteria, applicants are asked to demonstrate in-depth knowledge and understanding of the specific educational goals and priorities of the Center’s clients, including the client’s demographics and policy contexts. The criterion focused on subject matter expertise will also allow the Department to evaluate the degree to which applicants have the appropriate subject matter expertise and experience to serve their intended clients. The Department believes that these combined elements will ensure that Comprehensive Centers program grantees have the appropriate experience and expertise to support clients in addressing the needs of Tribal students.

Changes: None.

Comment: One commenter expressed support for the current work of the

National Center and Regional Center partners related to afterschool and summer programming. The commenter also expressed support for the emphasis in Priority 2 on supporting clients in implementing, scaling-up, and sustaining evidence-based practices and interventions to improve core instruction. The commenter requested that the Centers work to build on current research in the science of learning and development to support high-quality afterschool and summer programs.

Discussion: We share the commenters' interest in assisting SEAs and LEAs in supporting afterschool and summer programming. The Department supports using current research and successful models in the field to ensure all students have access to quality afterschool and summer learning opportunities. We believe that work proposed under Priority 2 and Priority 1 will promote the use of evidence-based practices in key initiatives to accelerate academic recovery in math and literacy that may include high-impact tutoring, high-quality summer and after-school programming, and effective interventions to reduce chronic absenteeism.

Changes: None.

Comment: One commenter made suggestions for how Comprehensive Centers could better support SEAs in implementing ESEA programs. The commenter noted that an important need of the SEAs is improving data reporting, including improving capacity for data validation, streamlining data systems, planning data collection, communicating these requirements to LEAs and schools, and overall data quality. The commenter also requested assistance for SEAs in implementing resource allocation reviews and in communicating with the Department regarding data reporting requirements.

Discussion: The Department appreciates the commenter's suggestions regarding how the Comprehensive Centers can improve SEA capacity to collect and report data, which will improve the SEAs' implementation and evaluation of ESEA programs. The Department agrees that the Comprehensive Centers, and particularly the Regional Centers, should support SEAs with improving their data collection practices and support to LEAs. The Department has added language to Priority 2 to include support for data collection and reporting activities. The Department notes the existing requirements related to consultation with SEA leaders in determining the greatest client needs. This would include addressing issues

identified by the Department and its data reporting contractors. The Department additionally supports the suggestion that Centers should support resource allocation reviews. As discussed elsewhere in this document, the Department has added language to Priority 1 and Priority 2 to underscore the importance of supporting resource allocation reviews.

Changes: The Department has added language to Priority 2 to include capacity-building services that assist clients and recipients in collecting and reporting data on ESEA programs.

Comment: One commenter noted the important role of the National Center and Regional Centers in supporting school support and improvement activities, including resource allocation reviews, as outlined in section 1111(d)(3)(A)(ii) of the ESEA. Additionally, the commenter suggested that the Center on Fiscal Equity should also play a role in identifying best practices regarding fiscal equity components of school improvement support to SEAs and LEAs. The commenter noted a report from the Government Accountability Office that indicated the need for greater support from the Department to assist SEAs and LEAs in complying with the school improvement and resource equity requirements specified in the section 1111(d) of the ESEA. The commenter noted specifically the need for support regarding the inclusion of needs assessments, evidence-based interventions, and identifying resource inequities in improvement plans and ensuring adequate and equitable funding is available to identified schools to carry over improvement activities.

Discussion: The Department appreciates the commenter's support for the important role of the National Center, Regional Centers, and Center on Fiscal Equity in supporting SEAs and LEAs in meeting school improvement requirements under section 1111(d) of the ESEA. The Department also appreciates the commenter's support of the Department's emphasis on serving (1) recipients with high percentages students from low-income families and (2) students attending schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA. The Department agrees that the Center on Fiscal Equity has an important role to support all Comprehensive Centers in understanding and designing services related to the adequate and equitable funding for schools implementing

comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA. The Department also notes the inclusion and importance of support for resource allocation reviews described in section 1111(d)(3)(A)(ii) of the ESEA in Priority 1 and Priority 2. In response to the commenter's general feedback, as discussed elsewhere in this document, the Department added language to emphasize supporting resource allocation reviews in Priority 1 and Priority 2, and added language to Priority 3 to signify the important role of the Center on Fiscal Equity in supporting resource equity requirements.

Changes: The Department has added language to Priority 1 and Priority 2 to include a focus on support for implementing resource allocation reviews required in section 1111(d)(3)(A)(ii) of the ESEA. Additionally, the Department has added language to Priority 3 for the Center on Fiscal Equity to include schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA.

Priority 1—National Comprehensive Center

Comment: One commenter requested that the Department reconsider the National Center's role in providing targeted supports and suggested instead that the National Center would be more effectively positioned to focus on providing universal supports, disseminating the work done by other Centers and as a primary coordination point.

Discussion: We appreciate the feedback from the commenter and agree with their emphasis on the importance of the National Center as a point of coordination and dissemination for the Comprehensive Centers program as a whole. However, we disagree that the National Center should focus solely on universal supports and not on providing targeted support. Under Priority 1 the National Center will provide subject matter expertise on and capacity-building services related to several topics of national importance including addressing unique educational obstacles faced by rural and Tribal students; implementing and scaling up evidence-based programs, practices, and interventions that improve instruction and outcomes in core subjects including math and literacy instruction; implementing school improvement and State accountability and assessment

systems; and other emerging needs. While States will work first with their Regional Center, it is critical that the National Center, as a locus of expertise in these topics, is available to work with other Centers when there is a need for cross-regional coordination to provide targeted support in the areas in which the National Center has significant subject matter expertise. As defined, “targeted capacity-building services” can include, for example, strategic planning events, national and regional conferences, learning series, and communities of practice. We believe that this type of support is critical to the role of the National Center and the goals of the program and therefore decline to focus the National Center solely on the provision of universal supports.

Changes: None.

Comment: One commenter provided broad support for the work of the existing National Center and noted that creating a centralized hub has improved efficiency and coordination in the TA system of the Comprehensive Centers Programs.

Discussion: We appreciate the commenter’s support for the National Center and note that through Priority 1 the Department will continue to establish and operate a National Center that will coordinate work across the network, among other responsibilities.

Changes: None.

Comment: One commenter recommended that we specify in Priority 1 that the National Center will support SEAs to conduct resource allocation reviews required by section 1111(d)(3)(A)(ii) of the ESEA.

Discussion: The Department agrees with the importance of providing services to support SEAs in implementing resource allocation reviews and has added language to emphasize this activity in Priority 1 as an example of how the National Center may provide services to support SEAs to implement State accountability and assessment systems consistent with title I, part A of the ESEA (ESEA section 1111(b)–(d)). Additionally, we note that the Center on Fiscal Equity will provide targeted and universal capacity building services for strengthening equitable and adequate resource allocation strategies, including for schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA, which may relate to services the National Center provides to States implementing this requirement under section 1111(d)(3)(A)(ii) of the ESEA. We have updated Priority 3 to reflect necessary collaboration with the

National Center to support coordination of these services.

Changes: We have revised Priority 1 to highlight activities related to resource allocation reviews that an applicant may conduct under this priority and have revised Priority 3 to include collaborating with the National Center to provide services to meet this requirement.

Comment: One commenter expressed support for the focus in Priority 1 on addressing the unique educational challenges, and improving the outcomes, of schools implementing comprehensive support and improvement activities or targeted or additional targeted support and improvement activities under title I, part A of the ESEA (ESEA sec. 1111(d)) and their students. This commenter recommended that the Department include additional examples of how the National Center may help address these needs, including through needs assessments to diagnose challenges and resource inequities, identifying and implementing evidence-based interventions, and monitoring progress and taking corrective action.

Discussion: The Department appreciates the support for the inclusion of activities to support school improvement in Priority 1 for the National Center and agrees that the specified activities would be acceptable and appropriate strategies to address the unique educational challenges and improve outcomes of schools implementing comprehensive support and improvement activities, or targeted or additional targeted support and improvement activities. Because these activities are already allowable under the priority as written, the Department does not believe it necessary to revise Priority 1 to include the specified examples.

Changes: None.

Priority 2—Regional Centers

Comments: Several commenters provided feedback on the allocation of funding to Centers, particularly Regional Centers. Specifically, two commenters requested information on the Department’s approach to funding levels for each Center. One commenter emphasized the importance of funding each Center commensurate to its project scope and requested that the Department provide estimated funding levels for each of the proposed Centers. Another commenter requested information on the method of allocating funding across each Center and encouraged the Department to request additional funding for the program in the future. Another commenter

generally noted the importance of ensuring sufficient funds for each Regional Center to deliver intensive and impactful capacity-building services. Three commenters suggested specific factors that the Department should consider when allocating funds, with two recommending that the Department consider the number of States and the geography of a region in determining allocations, and one recommending that the Department consider the cost of travel.

Discussion: We appreciate the interest in funding levels from the commenters. However, we do not include specific funding estimates in the priority for each type of Center. For any fiscal year in which we use one of these final priorities, the Notice Inviting Applications (NIA) will specify the funding available and estimated for each Center. We note that under section 203 of the ETAA, the Department is required, when awarding grants to Regional Centers, to establish one Center in each of the 10 geographic regions served by the RELs. In addition, the Department considers additional factors named in the ETAA when awarding grants such as school-age population, proportion of economically disadvantaged students, the cost burdens of service delivery in areas of sparse population, and the number of schools implementing comprehensive support and improvement activities and targeted support and improvement activities. Finally, the Department appreciates the commenter’s recommendation to request additional funding and will consider the needs of the program in its requests for funding in future years.

Changes: None.

Comment: One commenter shared suggestions for alternative configurations of Regional Centers, including aligning regions with the 10 Federal Emergency Management Agency (FEMA) regions, returning to a previous Comprehensive Centers model that included Regional Centers and “Single State” Centers, or grouping States with similar priorities into regions.

Discussion: Although we appreciate the commenter’s recommendations, the ETAA requires the Department to establish at least one Center in each of the 10 geographic regions served by the Department’s RELs and to consider other factors indicated in the ETAA including the school-age population, the proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of schools implementing comprehensive support and improvement activities and

targeted support and improvement activities under section 1111(d) of the ESEA when establishing regions under this program. We believe the proposed regional configuration best meets the statutory intent of this program. Additionally, we note that under Priority 1, the National Center may conduct targeted capacity-building services, including strategic planning events, national and regional conferences, learning series, and communities of practice, that convene States not in the same region around a topic of shared importance.

Changes: None.

Comment: Two commenters expressed support for including a Regional Center for the Bureau of Indian Education (BIE).

Discussion: We appreciate the support for the Department's inclusion of a Regional Center serving the BIE.

Changes: None.

Comment: Two commenters expressed support for the larger regions proposed in Priority 2 compared to the existing regional configuration under the Comprehensive Centers program, noting the potential for these regions to increase efficiency. One commenter also highlighted the closer alignment to the REL regions and the potential for this alignment to support coordination and alignment of services and needs sensing across both programs.

Discussion: We appreciate the support from the commenters and feedback on the potential benefits of the revised regional configuration in Priority 2.

Changes: None.

Comments: Two commenters expressed support for the focus on evidence-based projects and programs. One commenter expressed general support for the emphasis on evidence-based learning throughout the document. Another commenter noted the importance of selecting, implementing, and sustaining evidence-based programs in rural and smaller, less resourced organizations and school districts.

Discussion: We appreciate the commenters' support for promoting evidence-based practices in the Comprehensive Centers program, including in support of rural and small organizations and districts. Additionally, the Department would like to clarify examples of key initiatives Centers may focus on in implementing evidence-based practices.

Changes: We have revised Priority 2 to include clarifying changes of evidence-based programs, practices, or interventions that focus on key initiatives that lead to LEAs and schools improving student outcomes.

Comment: One commenter asked the Department to clarify how Regional Centers should develop cost-effective strategies to make their services available to as many SEAs, REAs, TEAs, LEAs, and schools in need of support as possible.

Discussion: We appreciate the comment and note that, to maximize the impact of public funds, all Regional Centers are expected to develop cost-effective strategies to ensure services reach as many SEAs, REAs, TEAs, LEAs, and schools within the region in need of support as possible. Applicants may propose strategies for how they might accomplish this objective within their regions through their approach to capacity building in their response to this priority as well as to the Program Requirements 4 and 6 for all Centers. Additionally, Regional Centers will partner with the National Center to share and disseminate information about Comprehensive Center Network (CCNetwork) services, tools, and resources to maximize the reach of the CCNetwork across clients and education stakeholders. Although the Department believes that applicants are best positioned to identify and develop these strategies given their knowledge of the critical needs of regional clients, the Department will further describe any plans to work with grantees on how to maximize the reach of Comprehensive Center services in its Cooperative Agreements with grantees.

Changes: None.

Comment: One commenter suggested that the Department revise Priority 2 to ensure that Regional Centers provide support to SEAs implementing resource allocation reviews under section 1111(d)(3)(A)(ii) of the ESEA.

Discussion: We agree with the commenter's recommendation. Supporting SEAs in implementing resource allocation reviews is one important way that Regional Centers can support schools implementing comprehensive support and improvement activities or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA.

Changes: We have revised Priority 2 to include a focus on support for implementing resource allocation reviews under section 1111(d)(3)(A)(ii) of the ESEA.

Comment: One commenter supported the Priority 2 requirement to ensure Regional Centers support SEAs and LEAs to address corrective actions from ESEA program monitoring and recommended that the Department specify that services may be provided in this regard at the request of the

Department, or based on recommendation by the Regional Center, in addition to the request of the State.

Discussion: We appreciate the commenter's suggestion and acknowledge that grantees may benefit from the Department or the client's Regional Center recommending or requesting that they receive support in addressing corrective actions or results from audit findings and ESEA program monitoring conducted by the Department. We believe paragraph (4) of Priority 2 permits the Department or a Regional Center to make such recommendations and therefore do not believe it is necessary to revise the priority to address this specific need.

Changes: None.

Comment: One commenter expressed support for Priority 2 and noted that the requirement for Regional Centers to design services in conjunction with State leadership has benefitted the work of Regional Centers in the current grant cycle.

Discussion: We appreciate the support from the commenter and feedback on the benefits of the proposed Comprehensive Center service delivery model and requirement to develop and implement capacity-building services in partnership with State and local clients and recipients.

Changes: None.

Priority 3—Content Centers

Comment: One commenter provided overall support for the priorities, including Priority 3, and encouraged the Department to explicitly consider ways the field of communication sciences and disorders, specifically audiology and speech-language pathology, can support the goals of the Comprehensive Centers program. Additionally, the commenter provided specific feedback on the importance of audiologists and speech language pathologists (SLPs) in relation to the work of the Center for English Learners and Multilingualism and the Center for Early School Success. Specifically, related to the work of the Center for English Learners and Multilingualism, the commenter recommended that the Department consider the role of audiologists and SLPs to ensure access to interpreting services and engagement. Related to the work of the Center for Early School Success, the commenter recommended enhancing the focus of services provided by the Center to address caseload management for practitioners, such as audiologists and SLPs; rural capacity building for accessing school-based services for students who already

qualify under Medicaid; and school-based telepractice.

Discussion: We appreciate the commenter's support for the priorities and as to Priority 3, the feedback related to the importance of the field of communication sciences both broadly and specifically related to the work of the Center for English Learners and Multilingualism and the Center for Early School Success. Through the Comprehensive Centers program, we aim to improve educational outcomes, close achievement gaps, and improve the quality of instruction for all students, particularly those with the greatest need. Based on the Department's experience administering the program and the feedback from the Regional Advisory Committees and others, we believe it is important for all Centers, including Content Centers, to consider a broad universe of resources, practices, and policies that may support these goals. Further, we believe that how Centers focus and deliver capacity-building services must be driven by their needs-sensing activities with clients and recipients and the review of available evidence, and therefore, we decline to explicitly add references to the specific field of communication sciences and disorders in the priorities. Specific to the recommendations related to the Center for Early School Success, we believe it is important to maintain the focus on preschool-third grade learning systems and experiences more broadly to support academic, social, emotional, cognitive, and physical development. We also note that it is not within the scope of the Comprehensive Centers to provide assistance in implementing programs outside of the ESEA; however we do require Centers to partner with each other and other federally funded technical assistance centers to address client needs and note opportunities for the Center for Early School Success to coordinate with the Center on Fiscal Equity to support clients and recipients in considering how ESEA funds may interact with and complement other Federal programs, including Medicaid, to improve student opportunities and outcomes and reduce duplication of services.

Changes: None.

Comment: Several commenters provided broad feedback on the introduction of Content Centers as a priority (Priority 3) and the impact on the overall structure and focus of the Comprehensive Centers program. Feedback from these commenters was mixed, with some expressing support for the inclusion of Content Centers in the Comprehensive Centers program and others expressing concern. For

those commenters that supported Priority 3, some noted that the four identified focus areas are important areas of national need, while another expressed that the Content Centers promised to bring critical support responsive to the needs of States and districts. The commenters who disagreed with the inclusion of Content Centers cited concerns related to the impact on Comprehensive Center branding, flexibility, and responsiveness. Specifically, one such commenter expressed concern that identifying focus areas for a five-year cycle was not the best way to respond to emerging needs and instead recommended an approach similar to the current configuration allowing the National Center and Regional Centers flexibility to respond to emerging needs. This same commenter also cited a concern with duplication of efforts in previous Comprehensive Center cohorts that included Content Centers. Another commenter also noted that the Comprehensive Centers program has built familiarity and recognition among SEAs and LEAs and shared concerns that changing the configuration would harm this brand recognition.

Discussion: We appreciate the feedback from commenters on the inclusion of Priority 3. We agree with the comments supporting the four proposed focus areas and on the importance of flexibility, efficiency, and responsiveness to the success of the Comprehensive Centers program. We also appreciate the commenters' concerns about the proposed impacts on the program's brand recognition, service to clients, and ability to maximize flexibility and responsiveness to emerging needs or to provide efficient, high-quality, relevant, and useful services responsive to the needs of clients and recipients. We believe, however, that Priority 3's approach minimizes these concerns. First, the establishment of the Content Centers supports the Comprehensive Center program's ability to provide high-quality capacity-building services in identified areas of high national need. The four focus areas reflect the recommendations of the Regional Advisory Committees and are areas of national need that are likely to retain importance to Comprehensive Center clients and recipients over the entire five-year project period. Regarding the potential impact to the branding of the CCNetwork, we note that the National Center has an explicit requirement in Priority 1 to support consistent branding, communication, and dissemination of products, information,

and resources from the CCNetwork and we expect the progress made under the current model to continue with this support. Additionally, throughout these priorities, requirements, definitions and selection criteria, we emphasize the need for the Comprehensive Centers to be nimble to adjust to new or emerging areas of need and note features of this structure that retain the program's ability to address emerging needs, including Priority 1 which requires the National Center to address emerging national needs, and Program Requirement 8 for all Centers that requires each Center to include an annual set-aside of five percent of the grant amount to support emerging needs. This is designed to ensure each Center is able to remain flexible and responsive to needs that arise throughout the project period. We believe that with these elements combined, the CCNetwork will be able to provide high-quality, relevant, and useful capacity-building services to clients and recipients across the country in areas of high national need as well as emerging needs.

Changes: None.

Comment: Several commenters who disagreed with the inclusion of Content Centers cited concerns related to potential confusion of clients on how to access services from Centers within the CCNetwork. One commenter cited a concern with confusion among clients in previous Comprehensive Center cohorts that included Content Centers. Another commenter raised concerns that the introduction of these Centers would make the process of accessing services more complex for clients.

Discussion: We appreciate the commenters' concerns about the proposed impacts of including Content Centers on client access to services. Regarding potential client confusion, we note that Regional Centers will continue to serve as the entry point for States to engage with the CCNetwork, and that it will be through the Regional Centers that the Content Centers will address specific requests for assistance from States within the regions and strengthen Regional Center staff knowledge and expertise on the evidence base and effective practices within its specific content area. Content Centers are also required to consult with and integrate feedback from the Department, the National and Regional Centers in developing their annual service plan to ensure targeted and universal services reflect regional and national needs and to avoid duplication of services. We also note that the National Center has an explicit requirement in Priority 1 to support coordination across the

Regional and Content Centers. We believe these requirements focused on consultation, coordination, and collaboration of services, negotiated and coordinated with and through Regional Centers, will minimize client confusion and provide clear opportunities for Center coordination to minimize client burden.

Changes: None.

Comment: Some commenters who disagreed with the inclusion of Content Centers cited concerns related to the impact on Comprehensive Center efficiency and funding. Specifically, one commenter who did not support Priority 3, recommended that if the Department proceeds with it, it should further clarify how the Content Centers will interact with the Regional Centers and the National Center. Another commenter raised concerns that the introduction of these Centers would divert funds from the Regional Centers and National Center, which could limit their services and ability to respond to emerging needs across the network.

Discussion: We appreciate the commenters' concerns about the proposed impacts on the efficiencies of service delivery to clients, namely through the Regional Center and National Center, and concerns around our ability to maximize flexibility and responsiveness to emerging needs and prevent any diversion of funding from the Regional and National Centers. We believe, however, that the approach to coordination required of all Centers minimizes these concerns. As described above, all Centers are expected to coordinate services, and the National and Content Centers must consult with Regional Centers in providing services to clients. Priority 1 and Priority 3 further provide efficiencies to the CCNetwork, for example the National Center will support consistent communication, and dissemination of products, information, and resources from the CCNetwork and will facilitate collaboration across Centers, creating efficiencies for Regional and Content Centers. Additionally, Content Centers will provide subject matter expertise in areas of high national need identified by the Regional Advisory Committees that all Regional Centers can access and benefit from, allowing them to focus their resources on other areas of need. The Department acknowledges that the addition of Content Centers will result in the reduction of the total amount of program funds available to Regional Centers; however, we believe value of services aligned to areas of high national need, coupled with the efficiencies gained through the resources and support provided by the Content

Centers and the National Center to the Regional Centers and their clients should lessen the impact of these reductions.

Changes: None.

Comments: Two commenters that expressed support for the inclusion of Content Centers also made recommendations for additional Centers: one expressed concern about not having a Center focused on systems change and sustainability, though also noted that this topic area could be addressed by the National Center; the other commenter recommended that the Department add a Center for Rural Schools and Communities.

Discussion: We agree with the two commenters on the importance of systems change and sustainability and on serving rural communities, but disagree with the recommendation to create additional Content Centers. The Content Center priorities were determined based on careful consideration of input from the Regional Advisory Committees on areas of national need, as well as other factors including whether the Department currently has existing technical assistance investments for an identified ESEA program or area of need. Additionally, the Department chooses to limit the number of Content Centers to prioritize use of program funds for the Regional Centers. The work of supporting systems change and sustainability is a core tenet of the Comprehensive Centers program and one that we believe is a part of the work of all Centers, and should be embedded in the approach to capacity-building services. Additionally, as the commenter noted, we believe the National Center is well-positioned to provide coordinating support across the CCNetwork to support broader systems change, and we believe that the current requirements in Priority 1 related to coordination are sufficient to carry out this work. We also appreciate and agree with the second commenter's feedback on the importance of serving rural communities but disagree that creating an additional Content Center is needed. Both Priorities 1 and 2 explicitly direct these types of Centers to address the unique educational obstacles faced by rural students, and Program Requirement 3 for Regional Centers further requires that Regional Centers, in developing the annual service plan, ensure services are provided to support students and communities with the highest needs, including recipients in rural areas. We believe that serving rural students is included in the core work of the National and all Regional Centers. For these reasons, we believe the

existing priorities and the requirements combined will allow the Comprehensive Center program to fulfill this goal.

Changes: None.

Comment: One commenter expressed appreciation for the inclusion of early learning programs in Priority 3.

Discussion: We appreciate the commenter's support.

Changes: None.

Comment: Several commenters expressed support and made recommendations regarding the focus of the proposed Center on Strengthening and Supporting the Educator Workforce. Specifically, several commenters suggested including various specific educator roles within the focus of the Center; one commenter recommended the inclusion of school counselors, another recommended the inclusion of all educators responsible for instruction, including substitute teachers and other uncertificated teachers, and a third commenter recommended the inclusion of principals and other school leaders as well as educators involved in out-of-school time programs, such as 21st Century Community Learning Centers.

Discussion: The Department appreciates the comments related to the Center on Strengthening and Supporting the Educator Workforce and agrees with many of the suggestions provided. The Department did not provide a definition of the term "educator" in the NPP. We appreciate and agree with the feedback of the commenters suggesting that this Center should support educators beyond classroom teachers and clarify that the Department's intent is for the services of this Center to include many types of educators. In response to the feedback, the Department has added a definition of "educator" that includes principals or other school leaders, specialized instructional support personnel, (which includes school counselors, SLPs, and other related service providers), paraprofessionals, faculty, and others. We believe the definition includes substitute teachers, other uncertificated teachers, as well as those in out-of-school-time programs. With this change, the Department does not believe it is necessary to add more specific language to the priority as the definition clarifies that these educators are included in the focus of the Center.

Changes: The Department added a definition of "educator" to the Definitions section of this NFP.

Comment: Several commenters provided feedback on the scope and focus areas of the Center on Strengthening and Supporting the Educator Workforce. One commenter encouraged the Department to support building Grow Your Own Programs and

registered apprenticeship programs that include audiologists and SLPs. Another commenter made several recommendations relating to support for Educator Preparation Programs (EPPs), including that the Center should support EPPs and their district partners, identifying specific potential partners, to design, launch, and continually improve pathways from recruitment through retention and build the capacity of EPPs and district leaders to facilitate programs grounded in more equitable outcomes for teachers and P–12 students. Another commenter recommended that the Center support preparation, integration, and ongoing development of substitute teachers.

Discussion: The Department strongly supports a focus for this Center on supporting high-quality EPPs. The primary clients for Comprehensive Centers are defined as SEAs, LEAs, REAs, TEAs and schools; most operators of EPPs would not be among the direct clients of Comprehensive Center program services. However, the Department does envision that the Center may support SEAs, LEAs, and their partners in addressing educator shortages, and that this collaboration with clients and their partners could include EPPs or other partners critical to the focus on strengthening and supporting the educator workforce. The Department believes this could include programs that focus on all types of educators, including audiologists and SLPs, based on demonstrated needs. Additionally, the Department appreciates the critical importance of substitute teachers in discussions of the educator workforce and agrees that the work of the Center to support State and local clients could include a focus on ensuring adequate pipelines of and support for substitute teachers, as appropriate to the needs of the client.

Changes: The Department is adding language to Priority 3 to clarify that the Center may work with SEAs, LEAs, and their partners, such as EPPs, regional workforce boards, labor unions, etc. in addressing educator shortages and providing all students with highly qualified educators across the P–12 continuum.

Comment: One commenter recommended that the Center on Strengthening and Supporting the Educator Workforce should provide tools and resources, professional development, and technical assistance that brings the science of learning into teaching practice, with an equity-centered focus on early literacy, mathematics, and the identification and use of high-quality instructional materials (HQIM). Additionally, this

commenter indicated that the Center should work on strengthening and supporting the educator workforce in ways that also accelerate progress on national priorities such as literacy and math attainment, the use of HQIM, the diversification of the teacher pipeline, and support for multilingual learners.

Discussion: The Department notes the importance of assisting Center clients obtain resources and professional development that will enhance instructional techniques, and the identification and use of HQIMs; however, we note that supporting instruction generally falls within the Priority 1 focus on evidence-based programs, practices, and interventions that improve instruction and outcomes in core subjects, including math and literacy instruction, and decline the recommendation for inclusion in Priority 3. The Department believes that this Center may support diversifying teacher pipelines within the priority as written. Additionally, we note the Center on English Learners and Multilingualism will provide support related to meeting the needs of multilingual learners.

Changes: None.

Comment: One commenter noted recent data that show lower per pupil expenditures for students attending schools identified for improvement and recommended that the Department updated Priority 3 to ensure adequate and equitable school funding strategies for schools identified for support and improvement. The commenter recommended to add language to Priority 3 for the Center on Fiscal Equity to ensure that in prioritizing supports for students and communities with the greatest need, the Department include a focus on schools implementing comprehensive, targeted, and additional targeted support and improvement plans under section 1111(d) of the ESEA.

Discussion: The Department agrees with the commenter on the importance of ensuring adequate and equitable school funding strategies for schools identified for support and improvement. The Department accepts the recommendation to include specific language emphasizing schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA in defining how the Center on Fiscal Equity should prioritize supports for students and communities with the greatest need.

Changes: The Department added language to Priority 3 for the Center on Fiscal Equity to include schools

implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA.

Comment: None.

Discussion: Although we did not receive related comments, in reviewing the final priorities, the Department identified a need to further clarify the focus of the Center on Early School Success to help ensure high-quality applications. The Department clarifies that the work of this Center should focus on supporting success in early elementary grades, which includes successful preschool to kindergarten transitions, success of students in early elementary grades in core subjects in order to meet challenging State academic standards, and engaging with parents and families in supporting student attendance in the early grades.

Changes: The Department has revised the priority for the Center on Early School Success to further clarify how it defines experiencing success in early learning and achievement.

Comment: None.

Discussion: In reviewing the final priorities, the Department identified a need to further clarify the focus of the English Learners and Multilingualism to help ensure high-quality applications. The Department clarifies that in meeting the needs of English Learners, the work of this Center should include support beginning with early language acquisition and development to ensure the needs of all students who are English Learners are met.

Changes: The Department has revised the priority for the The Center on English Learners and Multilingualism to further clarify how this Center might meet the needs of English Learners.

Program Requirements

Program Requirements for All Centers

Comments: One commenter requested that we clarify the discussion in the background of the Program Requirements section regarding the requirements on full-time equivalency for Directors, Co-Directors, and key personnel. The commenter asked whether having two co-directors with a .5 FTE each, totaling 1.0 FTE across both Co-Directors, would meet the program requirements.

Discussion: We appreciate the opportunity to clarify these requirements. Under Requirement 9 for the National Center, the Center must have a minimum of 1 FTE for the Director or two Co-Directors at a minimum of 0.75 FTE each. Under Program Requirement 8 for Regional

Centers, each Center must have one Director at a minimum of 0.75 FTE or two Co-Directors of 0.5 FTE each. Additionally, we are adding an equivalent Program Requirement 7 for Content Centers to require one Director at a minimum of 0.75 FTE or two Co-Project Directors at a minimum of 0.5 FTE each. This new provision will help ensure that the FTE requirements align with the scope of work for the Content Centers and ensure sufficient leadership capacity for operation and effective coordination and collaboration of the Centers.

Changes: We have revised the Program Requirement for Content Centers to include the FTE requirement for Directors and Co-Directors.

Comments: One commenter provided broad feedback on the program requirements related to full-time equivalency of Directors or Co-Directors for the National and Regional Centers. The commenter recommended the requirements not prescribe specific FTE expectations for Center leadership given budget restrictions and the need for flexibility in the staffing model, particularly for smaller centers.

Discussion: We appreciate the feedback from the commenter related to the FTE requirements. However, we disagree with the recommendation to forgo designating specific FTE requirements. Based on our experience administering the Comprehensive Centers program, we believe that the FTE requirements currently outlined in Requirement 9 for the National Center and Requirement 8 for Regional Centers align with the scope of work for the Comprehensive Centers program and ensure sufficient leadership capacity for operation and effective coordination and collaboration of the Centers. We encourage Centers to maximize flexibility within these requirements to ensure Center leadership is staffed at a level sufficient for achieving the goals of its assigned projects and responsibilities.

Changes: None.

Comments: One commenter provided feedback on the discussion in the background of the Program Requirements section regarding the requirement that all personnel in key leadership and service delivery roles be staffed as close to full-time equivalency as practical. The commenter expressed concern with the focus on full-time equivalency, particularly for staff in service delivery roles, given the challenges that single-project staffing can raise for long-term staff stability and recommended removing a requirement for reaching close to full-time

equivalency for staff in service delivery roles.

Discussion: We appreciate the interest in clarifying these requirements. Program Requirement 9 for the National Center, Program Requirement 8 for Regional Centers, and Program Requirement 7 for Content Centers only discuss full-time equivalency minimums for Directors and Co-Directors and do not establish specific requirements for other staff in service delivery roles. The requirements do state that key personnel must be able to provide services at the intensity, duration, and modality appropriate to achieving agreed-upon milestones, outputs, and outcomes described in annual service plans. Additionally, Program Requirement 5 for all Centers requires Centers to ensure that personnel are staffed at a level sufficient for achieving the goals of assigned projects and responsibilities. Although we do not specify a required staffing level for general project personnel, to help ensure that applicants have carefully considered the staffing level needed for the success of their proposed project, we are revising the relevant selection criterion under Quality of Project Design so that applicants have the opportunity to describe, and the Department has the opportunity to assess, their approach to addressing these requirements.

Changes: We have revised the selection criterion under Quality of Project Design for the personnel management system to include the extent to which the project is staffed at a level sufficient for achieving the goals of its proposed projects and responsibilities.

Comments: One commenter expressed the importance of considering how physical resources are distributed among students and how access to digital resources may be an effective means of providing enriching materials to underserved students through the Comprehensive Centers Program.

Discussion: We appreciate the commenter's recommendation to ensure services focus on promoting student access to educational resources. Under Program Requirement 3 for the Regional Centers, Centers must ensure services are provided to support students and communities with the highest needs. Needs are determined through consulting with a broad range of stakeholders, outlined in Program Requirement 2 for Regional Centers. We believe these requirements permit Centers to focus services on promoting access to educational resources for students with the highest needs within their regions, as determined by and with

the communities they serve. In addition, Priority 1 emphasizes the implementation and scaling up of evidence-based programs, practices, and interventions that address other emerging education topics of national importance that are not being met by another federally funded provider (e.g., evidence-based practices in the use of education technology), thus providing support across Regions for services that may address such needs identified by multiple States across regions.

Changes: None.

Comments: One commenter requested information related to the program performance measures referenced in the proposed Program Requirements for all Centers.

Discussion: We appreciate the comment requesting information about the program performance measures. The final program performance measures were established in the 2019 NFP. The final performance measures will additionally be included in the NIA.

Changes: None.

Comments: One commenter requested that the Department strengthen the requirements and selection criteria for the Comprehensive Centers program by specifying an evaluation requirement for each Center in line with 34 CFR 75.210 General selection criteria, as well as participation in a national evaluation. The commenter shared that a clear evaluation requirement would provide distinction among similar terms related to the required performance management systems and processes as written in the Program Requirements for all Centers and the Selection Criteria under Quality of Project Design.

Discussion: We appreciate the commenter's recommendation and request for clarification of the proposed program and application requirements related to performance management and evaluation. The Department believes that proposed program requirements are aligned to 34 CFR 75.210 as evidenced by the requirement for Centers to develop and implement an effective performance management system that integrates continuous improvement and summative evaluation methods to monitor progress towards agreed upon outcomes, outputs, and milestones to measure the reach, use, and impact of the services being delivered. This integrated approach will help ensure capacity-building services are implemented as intended and desired results are achieved. The performance management system must also include strategies to report on defined program performance measures. Additionally, as the commenter notes, Centers are required to participate in a national

evaluation of the Comprehensive Centers Program as described in section 204 of the ETAA. To clarify the intent that Centers integrate best practices in continuous improvement to manage and evaluate project performance to provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes, we have added language to explicitly include evaluation in the proposed performance management system as defined.

Changes: We have revised the program requirement and application requirements for all Centers and aligned selection criteria language, under Quality of Project Design, to reference evaluation as part of a performance management and evaluation system.

Requirements for National Comprehensive Center

Comments: Two commenters provided feedback on Program Requirement 9 for the National Center related to the requirement that the National Center is staffed with one Director at a minimum 1.0 FTE or two Co-Directors at .75 FTE. One commenter recommended decreasing the FTE requirements for the National Center to a minimum .75 Director or 1.0 FTE split across two Co-Directors, in alignment to the requirement for Regional Centers. The other commenter agreed that the FTE requirements should be higher for the National Center leadership and recommended that the FTE requirements be increased to a minimum of 1.5 FTE total for Center leadership but that this could be achieved through various leadership roles such as Director and Co-Director, two Co-Directors, or a Director and a Deputy Director.

Discussion: We appreciate the feedback from the commenters related to the FTE requirements for the National Center. However, we disagree with the recommendations to revise the FTE requirements. Based on our experience administering the Comprehensive Center program, we believe that the FTE requirements currently outlined in Requirement 9 for the National Center align with the significant scope of work assigned to the National Comprehensive Center and that a reduction as recommended by the first commenter would not provide sufficient leadership capacity for effective coordination and collaboration of the CCNetwork. Related to the comment on increasing the minimum FTE to 1.5 to be shared across leadership roles, we appreciate the emphasis on ensuring adequate leadership capacity for the National Center, especially considering its multifaceted responsibilities, and agree

with the spirit of the recommendation. However, we believe that the requirement as written already provides applicants the flexibility to propose a 1.5 FTE across two Co-Directors if desired, or the option of one full-time Director and a Deputy Director at less than .75 FTE. We believe that providing this flexibility will allow applicants to design a staffing model aligned to their budget while still ensuring sufficient leadership capacity commensurate with the complexity of the work scope of the National Center.

Changes: None.

Comment: One commenter noted support for the role of the National Center to coordinate and support the Regional Comprehensive Centers. The commenter recommended requiring the National Center to set aside a percentage of annual funding to support dissemination of Regional Center strategies, tools, and resources.

Discussion: The Department appreciates the commenter's support for the important function of the National Center to support Regional Centers, as well as its responsibility to disseminate information and resources from all Centers within the CCNetwork. Accordingly, Program Requirements 5, 6, 7, and 8 for the National Center require the National Center to implement such support and dissemination activities, and Program Requirement 10 for the National Center requires it to reserve a portion of its budget to address these requirements.

Changes: None.

Comment: One commenter asked how the Department defines "fidelity measures" in the annual service plan as referenced in Program Requirement 1 for all Centers.

Discussion: We appreciate the commenter's request to clarify how the Department defines the term fidelity measures referenced in Program Requirement 1. The Comprehensive Centers program has established performance measures for the purposes of reporting under 34 CFR 75.110. Measure 3 evaluates the extent to which Comprehensive Centers demonstrate that capacity-building services were implemented as intended, which serves as a fidelity measure. This term is derived from implementation science and should help Centers understand whether services implemented as designed produce the desired capacity-building outcomes. While the Department will provide guidelines to grantees on reporting performance measures, we believe applicants are best positioned to propose their own measures of implementation fidelity, for example, in responding to Application

Requirement 5 to present a logic model for the project.

Changes: None.

Requirements for Regional Centers

Comments: Four commenters provided feedback on Program Requirement 8 for Regional Centers. Under this requirement, the grantee must be located in the region the Center serves and the Director(s) and key personnel must be able to provide on-site services. Two commenters expressed support for requiring locally based staff, with one commenter recommending that the Director or Co-Directors be located in the region the Center serves, and another noting the importance of local personnel to ensure the needs of underserved students are met by the program. Two other commenters did not support the location requirements, noting the evolution of and ability to maximize remote work. One of these commenters noted that they did not think it was important for a Director to be physically located in the region; the other recommended that the requirement that grantees be located in the region the Center serves be eliminated.

Discussion: We appreciate the support and feedback from the commenters regarding the requirement that Regional Centers be located in the region they serve. We also appreciate the commenters raising the flexibilities enabled through virtual and remote work and agree that Regional Centers may benefit from employing personnel outside of a specific geographic region. Based on the Department's experience administering the program, we believe it is important for each Regional Center to establish a presence in the region served, which includes having a physical presence in the region and ensuring staff are able to provide on-site services to recipients and clients. This approach supports Regional Center leadership and teams to have experiential awareness and context of the regions they serve and minimizes, to the extent practicable, costs and resources related to travel to support clients geographically distant from their locations when serving States in a region. Having personnel available to provide on-site services in the region is instrumental in building connections, understanding local contexts, and ensuring that the Center's efforts are responsive and aligned to the needs of the region served. However, we note that Requirement 8 does not require that all Center staff are physically based in the geographic region. We believe that the requirement as written provides Centers with appropriate flexibility

regarding geographic residency of staff while still ensuring adequate presence within the region served to support regional service delivery. As such, we decline to make changes in response to these comments.

Changes: None.

Comments: One commenter requested clarification on language in the background of the Program Requirements section discussing requirements for Regional Centers to share information and disseminate effective practices outside their respective regions.

Discussion: We appreciate the interest in clarifying requirements of Regional Centers to share information outside their regions. We note that we do not include a background section in the NFP. Therefore, we are not making any changes in response to these comments. However, we wish to clarify that we believe the Centers will benefit by learning from each other and that program requirements established in this document for the National Center to develop, and for all Centers to participate in, peer learning opportunities will meet this aim.

Changes: None.

Comment: One commenter requested further clarification on how cross-region efforts would be carried out.

Discussion: We appreciate the comment and need for clarification. We note several elements of Priority 1 that establish responsibility with the National Center to implement effective strategies for coordinating with the Regional Centers and Content Centers to assess educational needs; coordinate common areas of support across Centers; share and disseminate information about CCNetwork services, tools, and resources to maximize the reach of the CCNetwork across clients and education stakeholders, among other responsibilities. Program Requirements for the National Center further describe the National Center's responsibilities, including to design and implement communications and dissemination vehicles for the CCNetwork, develop peer learning opportunities for Center staff, and to collect and share information about services provided through the CCNetwork for the purpose of coordination, collaboration, and communication across Centers and other providers. Additionally, the National Center must design and implement robust needs-sensing activities and processes to consult with and integrate feedback from the Department, Regional and Content Centers, to explore areas of national need that may be addressed through

targeted and universal capacity-building services in its own service plan, or to inform the work of other Centers. Additionally, requirements for the Regional and Content Centers support their dedication of resources to collaboration and coordination with the National Center and their participation in peer learning opportunities to support cross-regional continuous improvement and evidence building within the CCNetwork. We believe the priorities and requirements provide sufficient guidance on the Department's expectations regarding cross-regional collaboration and the responsibilities of each Center within the CCNetwork to support and participate in those efforts to achieve the stated goals of the program. The Cooperative Agreement will further outline specific requirements for grantees regarding cross-regional collaboration.

Changes: None.

Comment: One commenter suggested that due to the reorganization of some State agencies, there may be more than one center of education leadership in States, resulting in the need to identify additional members of State leadership to consult on Center needs-sensing activities.

Discussion: We appreciate the commenter's feedback regarding the variety of educational leadership models across States. We believe the program requirements as written support flexible engagement with multiple State leadership models. Program Requirement 2 for Regional Centers requires Centers to consult with a broad range of stakeholders, including chief State school officers (CSSOs) and other SEA leaders, and integrate their feedback in developing the annual service plan. We also note that Program Requirement 4 for all Centers requires Centers to develop and implement a stakeholder engagement system to regularly communicate, engage, and coordinate across organizational levels (Federal, State, and local) and facilitate regular engagement of stakeholders involved in or affected by proposed services, which would include education leaders in each State. Finally, we note that the ETAA requires Centers to have an advisory board that is composed of the CSSOs, or such officers' designees or other State officials, in each State served by the Center who have primary responsibility under State law for elementary and secondary education in the State, and that in the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer

shall consult, to the extent permitted by State law, with the SEA in selecting additional members of the board. We believe these provisions provide adequate flexibility for Comprehensive Centers to consult with and include State education leaders in determining the needs and priorities for each Regional Center.

Changes: None.

Application Requirements

Application Requirements for All Centers

Comments: Two commenters discussed the overall number of and breadth of the requirements, priorities, definitions, and selection criteria. Both commenters suggested that the Department provide applicants with guidance on how to organize their applications.

Discussion: We appreciate the commenters' feedback. The Department will provide pre-application technical assistance to applicants that includes suggestions for organizing applications and overviews how selection criteria will be used to evaluate responses to the program priorities and application requirements. Additionally, the Department notes several changes to the selection criteria, described in the next section, to more clearly align them to specific priority elements and requirements. For example, the Department is revising the application requirements regarding the applicant's approach to capacity-building to more clearly align the requirement to the relevant priorities and selection criteria by clarifying how applicants may organize their application narratives in response to these criteria.

Changes: We have revised the application requirements and selection criteria to more clearly align with each other, the priorities, and the program requirements.

Comment: One commenter requested that the Department establish a firm page limit for the application narrative and provide the level of detail expected in five-year plans and other elements of the application.

Discussion: We appreciate the commenter's feedback regarding the establishment of a page limit and detailed guidelines for the proposed application narrative. The Department agrees that it is important to assist applicants in understanding expectations for detail in and length of its proposal. It is not the Department's practice to establish page limits for discretionary grant applications, however a recommended page limit will be provided in the NIA to assist

applicants in their response. Pre-application technical assistance will be provided to review the requirements and provide guidance to applicants. For applicant resources for Department grants generally, please visit: <https://www2.ed.gov/fund/grant/about/training-management.html>.

Changes: None.

Comments: One commenter requested clarification on Application Requirement 5 for all Centers, which requires applicants to present a logic model explaining how the project is likely to improve or achieve relevant and expected outcomes. The commenter requested clarification on the scope of the logic model and whether it should be focused broadly on the Comprehensive Center program or if applicants should provide a logic model for each project within their specific proposal.

Discussion: We clarify that Application Requirement 5 requires each applicant to provide one logic model relevant to their proposed project as a part of their application for funding to demonstrate their approach to responding to the relevant priority of the Comprehensive Centers program. The application requirement does not include a separate logic model for each activity within the project proposal.

Changes: None.

Comments: Two commenters expressed concern that potential applicants could use data from the current national evaluation of the Comprehensive Centers program to their advantage in the upcoming competition.

Discussion: The Institute of Education Science is overseeing the current national evaluation of the Comprehensive Centers, which will be completed later in 2024. The data from this evaluation were primarily self-reported perceptions of how the work was organized and the challenges faced during what was a very unusual period, 2020–2022, with the objective of providing systemwide insights for program improvement. Even though data were collected from and about each Center, none of these data present a conflict of interest or could give an applicant an advantage in the new competition. Furthermore, all contractors conducting work for IES are legally bound to uphold federal privacy and confidentiality laws and requirements.

Changes: None.

Application Requirements for Regional Centers

Comment: One commenter requested clarification on whether applicants for Regional Centers were required to

submit five-year service plans or 1-year service plans and whether a plan must be submitted for each State within a region.

Discussion: We appreciate the commenter's request to clarify how annual service plans should be included in applications to this program. Applicants should detail an approach to capacity building for the five-year project period that includes a description of the applicant's approach to addressing the priority to which they are applying, as indicated in the application requirements, including, for example, the educational challenges proposed to be addressed, the scope of services proposed by the project, potential partners, and the specific State and local outcomes that would represent significant achievement toward the program's desired outcomes. In the case of applicants for Regional Centers, the approach should also include the proposed approach to intensive capacity-building services, including identification of intended recipients, as specified in the Application Requirements for Regional Centers. These aspects of the applicant's proposed approach will be reviewed and scored under the selection criteria for the Approach to Capacity Building. The Department notes that annual service plans referenced under the Program Requirements for all Centers will be established post-award, and details and requirements for such service plans will be further detailed in Cooperative Agreements with grantees.

Changes: We have revised the Application Requirements 1 and 2 for all Centers to clarify that a proposal should detail the applicant's approach to capacity building under the priority for which they are applying.

Definitions

Comment: One commenter expressed general support for the proposed definition for the term capacity building and in particular the four proposed dimensions of capacity building: human, organizational, policy, and resource capacity building. The commenter elaborated with specific examples of the importance of human and organizational capacity building, particularly in their work in rural communities.

Discussion: The Department appreciates the support for the definition of capacity building as well as the commenter's discussion of their experience related to this work in rural communities.

Changes: None.

Comments: One commenter raised questions and concerns regarding the

definitions of the terms client and recipient. The commenter expressed concern that under these definitions, organizations that may potentially qualify as clients or recipients would expand the scope of work of the Comprehensive Centers beyond that described in the ETAA. The commenter specifically questioned whether, based on these definitions, Centers could work with public and/or private colleges and universities as clients or recipients.

Discussion: The Department appreciates the commenter's concern and recommendations to clarify the types of organizations that may be clients or recipients of services under the Comprehensive Center program. We emphasize that the ETAA authorizes Centers to provide services to SEAs, LEAs, REAs, and schools in the region where such center is located, and that the Department has clarified in prior competitions that it considers REAs to include TEAs, as is further clarified in the proposed definitions. The Department further clarifies that private or public colleges and universities, to the extent that they are not eligible to enter into agreement for negotiated capacity-building services, would not be direct clients of capacity-building services provided by the Centers, though they may be recipients of services if, for example, they are included as partners of the primary clients being served (e.g., a university partnering with an SEA, LEA, or other client on establishing educator preparation pathways to address identified needs related to educator shortages) or if they choose to participate in universal technical assistance that is open to broader public participation.

Changes: None.

Comment: One commenter requested clarification of how the Department defines the term performance management and suggested narrowing of the term as it appears to be used inconsistently in the NPP.

Discussion: We appreciate the commenter's request for clarification of the term performance management. We consider performance management to include activities that provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes to continuously improve the quality and efficacy of service delivery. We have aligned Program Requirement 3 for all Centers requiring a performance management and evaluation system with Application Requirement 7 and the aligned selection criteria under Quality of Project Design to clarify our intent and allow applicants to describe how

they would establish and implement a performance and evaluation system. As evidenced in the proposed program requirement, we believe that effective performance management and evaluation integrates ongoing, continuous improvement and summative evaluation methods to monitor progress towards agreed upon outcomes, outputs, and milestones to measure the reach, use, and impact of the services being delivered.

Changes: We have revised Program Requirement 3 for all Centers, Application Requirement 7, and aligned selection criteria under Quality of Project Design to describe the performance management and evaluation system.

Comments: One commenter expressed general support for the Department's definition of the term *outcomes* particularly to include short-term, medium-term, and long-term outcomes.

Discussion: We appreciate the commenter's support for and feedback on the definition of the term *outcomes*.

Changes: None.

Selection Criteria

Comment: One commenter asked for point values assigned to the selection criteria.

Discussion: We appreciate the commenter's feedback and note that we will assign specific point values for selection criteria in the NIA. Additionally, we will provide pre-application technical assistance that addresses the selection criteria, and their point values, by which proposals will be evaluated.

Changes: None.

Comment: A few commenters provided feedback on the overall breadth and complexity of the selection criteria. One commenter recommended the Department streamline the selection criteria to focus on the most critical priorities. Another commenter noted the complexity of the criteria and potential confusion regarding which criteria apply to each priority (National, Regional, or Content Centers). One commenter shared concern about the overall complexity of priorities and requirements, and made recommendations for areas to clarify, including streamlining selection criteria to focus on the most critical priorities and requirements, providing more clear organization to the criteria, and offering a clear template to guide applicants' response in their applications.

Discussion: In response to the commenters' feedback, we are revising the selection criteria to more clearly align them with the priorities and requirements. Specifically, the

Department revises the criterion on Approach to Capacity Building for all Centers and specifically for the National, Regional, and Content Centers, to align the criterion with individual elements of each priority. Additionally, the Department is revising the Quality of Project Design criterion for the National Center to focus on the requirements related to coordinating and overseeing the work of the CCNetwork. Further, the Department will clearly indicate in the NIA which selection criteria apply to applications for a Regional, Content, or National Center and assigns point values to each criterion. Additionally, we will offer pre-application technical assistance that includes guidance on how applicants can organize their applications to align with the selection criteria.

Changes: We have revised the selection criteria for Approach to Capacity Building and Quality of Project Design to more clearly align them with the priorities and requirements.

Comment: One commenter requested clarification on how the selection criteria would apply to annual service plans required under the Program Requirements for all Centers.

Discussion: We appreciate the commenter's request for clarification on how selection criteria will be applied to annual service plans and agree that language under the program requirements, application requirements, and selection criteria should be clarified as it relates to how annual plans should be included in applications to this program. We clarify above that applicants to this program should detail an approach to capacity building for the five-year project period as indicated in the application requirements. The applicant's proposed approach will be reviewed and scored under the selection criteria for the Approach to Capacity Building. Additionally, we will provide pre-application technical assistance that explains how the selection criteria align to the priorities and requirements.

Changes: We revised the selection criteria under the Approach to Capacity Building to further clarify how they will be used to evaluate the extent to which applicants meet certain aspects of the priority for each Center through their proposed approach to capacity building detailed in their application.

Comment: One commenter requested clarification on how the term capacity-building plan referenced in the selection criteria for Regional Centers and the National Center aligned to other terms and requirements in the NPP, specifically noting references elsewhere in the selection criteria to "technical

assistance plans" and whether these terms are interchangeable.

Discussion: We appreciate the commenter raising the question regarding how the term *capacity-building plan* is used in the NPP in relation to other similar terms and agree that clarification is needed. To simplify the language, and more clearly link the program and application requirements to the selection criteria, we have replaced references to capacity-building and technical assistance plans with reference to the applicant's approach to capacity building.

Changes: We have revised the Approach to Capacity Building selection criteria for the National Center, Regional Centers, and Content Centers to streamline the language.

Comments: One commenter requested clarification between subject matter, content, and technical expertise.

Discussion: We appreciate the commenter's request for clarification. In the selection criteria under Subject Matter and Technical Assistance Expertise, the Department differentiates subject matter expertise and technical assistance expertise as aligned to the relevant Application Requirements for all Centers. The Subject Matter and Technical Assistance Expertise selection criteria acknowledge the importance of these two areas of expertise, and we agree that the criteria should further clarify the distinction between the two types of expertise. As defined in this document, "subject matter expertise" may include expert knowledge of statutory requirements, regulations, and policies related to ESEA programs, current education issues, and policy initiatives, as well as demonstrated experience in content areas for which an individual is engaged as an expert including, for example, publishing in peer-reviewed journals, presenting at conferences, and relevant experience in operating and administering ESEA programs in State and local educational systems. Expertise in providing technical assistance may include expertise in the current research on adult learning principles, coaching, and implementation science.

Changes: We have revised the selection criteria under Subject Matter and Technical Assistance Expertise to clarify the alignment of these terms to the application requirements.

Final Priorities

Priority 1—National Comprehensive Center.

Projects that propose to establish a National Center to (1) provide high-quality, high-impact technical assistance and capacity-building

services to the Nation that are designed to improve educational opportunities, educator practice, and student outcomes and (2) coordinate the work of the CCNetwork to effectively use program resources to support evidence use and the implementation of evidence-based (as defined in 34 CFR 77.1) practices to close opportunity gaps and improve educational outcomes, particularly accelerating academic achievement in math and literacy for all students, and particularly for groups of students with the greatest need, including students from low-income families and students attending schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA, in a manner that reaches and supports as many SEAs, REAs, TEAs, LEAs, and schools in need of services as possible.

The National Center must design and implement an effective approach to providing high-quality, useful, and relevant universal, targeted, and, as appropriate and in partnership with Regional Centers, intensive capacity-building services that are likely to achieve desired recipient outcomes. The approach must be driven by adult learning principles and incorporate implementation, improvement, and systems change frameworks, and must promote alignment across interconnected areas of need, programs, and agency systems.

The National Center must implement effective strategies for coordinating and collaborating with the Regional Centers and Content Centers to assess educational needs; coordinate common areas of support across Centers; communicate about the work of the CCNetwork, including sharing and disseminating information about CCNetwork services, tools, and resources to maximize the reach of the CCNetwork across clients and education stakeholders; coordinate with other federally funded providers regarding the work of the CCNetwork and help clients navigate available support; and support the selection, implementation, scale-up, and dissemination of evidence-based practices that will improve educational opportunities and outcomes, particularly academic achievement in math and literacy, and close achievement gaps for all students, particularly for groups of students with the greatest need, including students from low-income families and students attending schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement

activities under section 1111(d) of the ESEA.

Services must address: common high-leverage problems identified in Regional Center service plans (as outlined in the Program Requirements for the National Center); findings from finalized Department monitoring reports or audit findings; implementation challenges faced by States and LEAs related to teaching, learning, and development; needs of schools designated for improvement; needs related to closing opportunity and achievement gaps; needs to improve core academic instruction; and emerging education topics of national importance.

The National Center must provide universal and targeted capacity-building services that demonstrably assist SEAs, REAs, TEAs, LEAs, and Regional Center clients and recipients to—

(1) Implement approved ESEA Consolidated State Plans, with preference given to implementing and scaling evidence-based programs, practices, and interventions that directly benefit entities that have high percentages or numbers of students from low-income families as referenced in title I, part A of the ESEA (ESEA sec. 1113(a)(5));

(2) Implement and scale up evidence-based programs, practices, and interventions that lead to the increased capacity of SEAs and LEAs to address the unique educational challenges and improve outcomes of schools implementing comprehensive support and improvement activities or targeted or additional targeted support and improvement activities as referenced in title I, part A of the ESEA (ESEA sec. 1111(d)) and their students;

(3) Implement State accountability and assessment systems consistent with title I, part A of the ESEA (ESEA section 1111(b)–(d)), including the requirement for States to conduct resource allocation reviews under ESEA section 1111(d)(3)(A)(ii);

(4) Implement and scale up evidence-based programs, practices, and interventions that improve instruction and outcomes in core academic subjects, including math and literacy instruction;

(5) Address the unique educational obstacles faced by rural and Tribal students; and

(6) Implement and scale up evidence-based programs, practices, and interventions that address other emerging education topics of national importance that are not being met by another federally funded technical assistance provider (e.g., best practices in the use of education technology, student support strategies promoting digital literacy and access, etc.).

An applicant under this priority must demonstrate how it will cultivate a network of national subject matter experts from a diverse set of perspectives or organizations to provide capacity-building support to Regional Centers and clients regarding the ESEA topical areas listed above and other emerging education issues of national importance.

Priority 2—Regional Centers.

Projects that propose to establish Regional Centers to provide high-quality, useful, and relevant intensive capacity-building services to State and local clients and recipients to assist them in selecting, implementing, and sustaining evidence-based programs, practices, and interventions that will result in improved educator practice and student outcomes, especially in math and literacy. The approach must be driven by adult learning principles and incorporate implementation, improvement, and systems change frameworks.

Each Regional Center must provide high-quality, useful, and relevant capacity-building services that demonstrably assist clients and recipients in—

(1) Carrying out Consolidated State Plans approved under the ESEA, with preference given to the implementation and scaling up of evidence-based programs, practices, and interventions that directly benefit recipients that have high percentages or numbers of students from low-income families as referenced in title I, part A of the ESEA (ESEA sec. 1113(a)(5)) and recipients that are implementing comprehensive support and improvement activities or targeted or additional targeted support and improvement activities as referenced in title I, part A of the ESEA (ESEA sec. 1111(d)), including the requirement for States to conduct resource allocation reviews required under ESEA section 1111(d)(3)(A)(ii);

(2) Implementing, scaling up, and sustaining evidence-based programs, practices, or interventions that focus on key initiatives that lead to LEAs and schools improving student outcomes. Key initiatives may include implementing evidence-based practices to help accelerate academic achievement in math and literacy (including high-impact tutoring, high-quality summer and after-school learning and enrichment, and effective interventions to reduce chronic absenteeism and increase student engagement), improving core academic instruction, implementing innovative and promising approaches to systems of high-quality assessment (including diagnostic, formative and interim

assessments to inform instructional design), addressing educator shortages (including recruitment, preparation, and retention), or developing aligned and integrated agency systems;

(3) Addressing the unique educational obstacles faced by underserved populations, including students from low-income families, students of color, students living in rural areas, Tribal students, English learners, students in foster care, migratory children, immigrant children and youth, and other student populations with specific needs defined in the ESEA, which may include neglected, delinquent, and at-risk children and youth, and homeless children and youths; and

(4) Improving implementation of ESEA programs including collecting and reporting program data and addressing corrective actions or results from audit findings and ESEA program monitoring, conducted by the Department, that are programmatic in nature, at the request of the client.

Regional Centers must effectively work with the National Center and Content Centers, as needed, to assist clients in selecting, implementing, and sustaining evidence-based programs, policies, practices, and interventions; and must develop cost-effective strategies to make their services available to as many SEAs, REAs, TEAs, LEAs, and schools within the region in need of support as possible.

Applicants must propose to operate a Regional Center in one of the following regions:

Region 1 (Northeast): Connecticut, Massachusetts, Maine, New Hampshire, New York, Rhode Island, Vermont

Region 2 (Islands): Puerto Rico, Virgin Islands

Region 3 (Mid-Atlantic): Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania

Region 4 (Appalachia): Kentucky, Tennessee, Virginia, West Virginia

Region 5 (Southeast): Georgia, North Carolina, South Carolina

Region 6 (Gulf): Alabama, Florida, Mississippi

Region 7 (Midwest): Indiana, Michigan, Ohio, Illinois, Iowa, Minnesota, Wisconsin

Region 8 (Central): Colorado, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming

Region 9 (Southwest): Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Region 10 (West): Arizona, California, Nevada, Utah

Region 11 (Northwest): Alaska, Oregon, Washington, Idaho, Montana

Region 12 (Pacific 1): American Samoa, Hawaii, Republic of the Marshall Islands

Region 13 (Pacific 2): Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Palau

Region 14: Bureau of Indian Education
Priority 3—Content Centers.

Projects that propose to establish Content Centers to provide high-quality, useful, and relevant targeted and universal capacity-building services in a designated content area of expertise to SEA, REA, TEA, and LEA clients designed to improve educational opportunities, educator practice, and student outcomes.

Content Centers must be designed to build the capacity of practitioners, education system leaders, public schools serving preschool through 12th grades (P–12) (which may include Head Start and community-based preschool), LEAs, and SEAs to use evidence in the designated content area. Capacity-building services may include, for example, developing evidence-based products and tools, and providing services that directly inform the use of evidence in a State or local policy or program or improved program implementation to achieve desired educational outcomes. The approach must be driven by adult learning principles and incorporate implementation, improvement, and systems change frameworks. Services must promote the use of the latest evidence, including research and data; be effectively delivered using best practices in technical assistance and training; and demonstrate a rationale for how they will result in improved recipient outcomes.

Content Centers must support Regional Centers, as needed, with subject matter expertise to enhance the intensive capacity-building services provided by the Regional Centers or to design universal or targeted capacity-building services to meet identified SEA, REA, TEA, or LEA needs.

Content Centers must effectively coordinate and align targeted and universal capacity-building services with the National Center, Regional Centers, and other federally funded providers, as appropriate, to address high-leverage problems and provide access to urgently needed services to build Centers' capacity to support SEAs and local clients. Content Centers must effectively coordinate with the National Center, Regional Centers, and other federally funded providers to assess potential client needs, avoid duplication of services, and widely disseminate

products or tools to practitioners, education system leaders, and policymakers in formats that are high quality, easily accessible, understandable, and actionable to ensure the use of services by as many SEA, REA, TEA, and LEA recipients as possible.

Applicants must propose to operate a Content Center in one of the following areas:

(1) *English Learners and Multilingualism*: The Center on English Learners and Multilingualism must provide universal, targeted, and, as appropriate and in partnership with Regional Centers, intensive capacity-building services designed to support SEAs and LEAs to meet the needs of English learners beginning with early language acquisition and development, meet the needs of English learners with disabilities, and increase access to high-quality language programs so that they, along with all students, have the opportunity to become multilingual. The Center must also support the selection, implementation, and scale-up of evidence-based practices, in coordination with the National Clearinghouse for English Language Acquisition, related to meeting the needs of English learners.

(2) *Early School Success*: The Center for Early School Success must provide universal, targeted, and, as appropriate, and in partnership with Regional Centers, intensive capacity-building services designed to support SEAs and LEAs to implement comprehensive and aligned preschool to third-grade (PK–3) early learning systems in order to increase the number of children who experience success in early learning and achievement, including by increasing the number of children who meet challenging State academic standards; supporting effective transitions to kindergarten; partnerships with parents and families on everyday school attendance; and developmentally informed and evidence-based instructional practices in social and emotional development, early literacy, and math. The Center must support the selection, implementation, and scale-up of programs, policies, and practices, informed by research on child development, that can strengthen the quality of PK–3 learning experiences and support social, emotional, cognitive, and physical development.

(3) *Fiscal Equity*: The Center on Fiscal Equity must provide universal, targeted, and, as appropriate, and in partnership with Regional Centers, intensive capacity-building services designed to support SEAs and LEAs in strengthening equitable and adequate

resource allocation strategies, including the allocation of State and local resources; improving the quality and transparency of fiscal data at the school level; and prioritizing supports for students and communities with the greatest need, including schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under section 1111(d) of the ESEA in collaboration with the National Center. The Center must support the selection, implementation, and scale-up of evidence-based programs, policies, and practices that promote responsible fiscal planning and management, and effective and permissible uses of ESEA formula funds, including through combining those funds with other available and allowable Federal, State, and local funds (“blending and braiding”) and considering how ESEA funds may interact with and complement other Federal programs, such as IDEA, Medicaid, and Head Start to improve student opportunities and outcomes.

(4) *Strengthening and Supporting the Educator Workforce:* The Center on Strengthening and Supporting the Educator Workforce must provide universal, targeted, and, as appropriate and in partnership with Regional Centers, intensive capacity-building services designed to support SEAs to support their LEAs, schools, and their partners (e.g., educator preparation programs, workforce boards, labor unions) in designing and scaling practices that establish and enhance high-quality, comprehensive, evidence-based, and affordable educator pathways, including educator residency and Grow Your Own programs, as well as emerging pathways into the profession such as registered apprenticeship programs for teachers; and in improving educator diversity, recruitment, and retention. The Center must support the selection, implementation, and scale-up of evidence-based programs, policies, and practices that will support States, LEAs, and their partners in addressing educator shortages and providing all students with highly qualified educators across the P–12 continuum, including through increased compensation and improved working conditions; high-quality, comprehensive, evidence-based, and affordable educator preparation, including educator residency and Grow Your Own programs, as well as emerging pathways into the profession such as registered apprenticeship programs for teachers; providing opportunities for teacher leadership and

career advancement; ongoing professional learning throughout educators’ careers, including implementing evidence-based strategies for effective teaching and learning; strengthening novice teacher induction; and supporting and diversifying the educator workforce, as well as other actions to improve learning conditions and educator well-being.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Requirements

Program Requirements:

The Department establishes the following program requirements for this program. We may apply one or more of these requirements in any year in which this program is in effect.

Program Requirements for All Centers: National, Regional, and Content Center grantees under this program must:

(1) Develop service plans annually for carrying out the technical assistance and capacity-building activities to be delivered by the Center in response to educational challenges facing students, practitioners, and education system leaders. Plans must include: High-leverage problems to be addressed, including identified client needs, capacity-building services to be delivered, time-based outcomes (i.e., short-term, mid-term, long-term), responsible personnel, key technical assistance partners, milestones, outputs, dissemination plans, fidelity measures, if appropriate, and any other elements specified by the Department. The

annual service plans must be an update to the Center’s five-year plan submitted as part of the initial grant application and account for changes in client needs.

(2) Develop and implement capacity-building services, including tools and resources, in partnership with State and local clients and recipients to reflect and address specific client needs and contexts and promote sustainable evidence utilization to address identified educational challenges.

(3) Develop and implement an effective performance management and evaluation system that integrates continuous improvement to promote effective achievement of client outcomes. The system must include methods to measure and monitor progress towards agreed upon outcomes, outputs, and milestones and to measure the reach, use, and impact of the services being delivered to ensure capacity-building services are implemented as intended, reaching intended clients and recipients, and achieving desired results. Progress monitoring must include periodic assessment of client satisfaction and timely identification of changes in State contexts that may impact the project’s success. The performance management system must include strategies to report on defined program performance measures.

(4) Develop and implement a stakeholder engagement system to regularly communicate, engage, and coordinate, using feedback to inform improvement, across organizational levels (Federal, State, and local), and facilitate regular engagement of stakeholders involved in or affected by proposed services. This system must provide regular and ongoing opportunities for outreach activities (e.g., ongoing promotion of services and products to potential and current recipients, particularly at the local level) and regular opportunities for engagement with potential beneficiaries or participants involved in or impacted by proposed school improvement activities (e.g., students, parents, educators, administrators, Tribal leaders) to ensure services reflect their needs.

(5) Develop and implement a high-quality personnel management system to efficiently obtain and retain the services of nationally recognized technical and content experts and other consultants with direct experience working with SEAs, REAs, and LEAs. The Center must ensure that personnel have the appropriate expertise to deliver high-quality capacity-building services that meet client and recipient need and be staffed at a level sufficient for

achieving the goals of its assigned projects and responsibilities.

(6) Develop and implement a comprehensive communication and dissemination plan that includes strategies to disseminate information in multiple formats and mediums (e.g., evidence-based practice tool kits, briefs, informational webinars) including through CCNetwork websites, social media, and other methods as appropriate, and strategies to measure and monitor the use of the information it disseminates. The plan must include approaches to determine, at the outset of each project, in consultation with clients, the most effective modality and methodology for capturing evidence-based practices and lessons learned, dissemination strategies customized and based on needs of the targeted audience(s), and strategies to monitor and measure audience engagement and use of information and products of the Center. Centers must work with partners to disseminate products through networks in which the targeted audiences are most likely to seek or receive information, with the goal of expanding the reach of Centers to the largest number of recipients possible.

(7) Identify and enter into partnership agreements with federally funded providers, State and national organizations, businesses, and industry experts, as applicable, to support States in the implementation and scaling-up of evidence-based programs, practices, and interventions, as well as reduce duplication of services and engagement burden to States. Where appropriate, the agreements should document how the partnerships might advance along a continuum to effectively meet program and client goals.

(8) Within 90 days of receiving funding for an award, demonstrate to the Department that it has secured client and partner commitments to carry out proposed annual service plans.

(9) Participate in a national evaluation of the Comprehensive Centers Program.

Program Requirements for National Comprehensive Center: In addition to the requirements for all Centers, National Center grantees under this program must:

(1) Design and implement robust needs-sensing activities and processes to consult with and integrate feedback from the Department, Regional and Content Centers, and advisory boards that surface high-leverage problems that could be effectively addressed in developing the national annual service plan.

(2) Collaborate with Regional and Content Centers to implement universal and targeted services for recipients to

address high-leverage problems identified in the annual service plan. In providing targeted services (e.g., multi-State and cross-regional peer-to-peer exchanges or communities of practice on problems), the National Center must provide opportunities for recipients to learn from their peers and subject matter experts and apply evidence-based practices and must define tangible, achievable capacity-building outcomes for recipient participation. Universal services must be grounded in evidence-based practices, be produced in a manner that recipients are most likely to use, be shared via multiple digital platforms, such as the CCNetwork website, social media, and other channels as appropriate, and be relevant for a variety of education stakeholders, including the general public.

(3) Develop and implement a strategy to recruit and retain a comprehensive cadre of national subject matter experts that includes qualified education practitioners, researchers, policy professionals, and other consultants with (1) direct experience working in or with SEAs, REAs, TEAs and LEAs and (2) in-depth expertise in specific subject areas with an understanding of State contexts available to support universal and targeted services of the National Center and intensive capacity-building services of Regional Centers. Cadre experts must have a proven record of designing and implementing effective capacity-building services, using evidence effectively, and delivering quality adult learning experiences or professional development experiences that meet client and recipient needs and must have recognized subject matter expertise including publishing in peer-reviewed journals and presenting at national conferences on the ESEA programs or content areas for which they are engaged as experts to provide universal, targeted, or intensive capacity building.

(4) Reserve not less than one half of the annual budget to provide universal, targeted, and, as needed, intensive services to address topics 1–5 enumerated in the priority for this Center and as approved by the Department in the annual service plan.

(5) Include in the communications and dissemination plan, and implement processes for outreach activities (e.g., regular promotion of services and products to clients and potential and current recipients), use of feedback loops across organizational levels (Federal, State, and local), regular engagement and coordination with the Department, Regional Centers, and partner organizations (e.g., federally funded providers), and engagement of

stakeholders involved in or impacted by proposed school improvement activities.

(6) Design and implement communications and dissemination vehicles for the CCNetwork, including maintaining the CCNetwork website with an easy-to-navigate design that meets government or industry recognized standards for accessibility, including compliance with Section 504 of the Rehabilitation Act of 1973, and maintain a consistent media presence, in collaboration with Regional and Content Centers and the Department Communications office, that promotes increased engagement.

(7) Develop peer learning opportunities for Regional and Content Center staff (and other partners, as appropriate) to address implementation challenges and scale effective practices to improve service delivery across the CCNetwork.

(8) Collect and share information about services provided through the CCNetwork for the purpose of coordination, collaboration, and communication across Centers and other providers, including an annual analysis of service plans to identify and disseminate information about services rendered across the CCNetwork.

(9) Ensure that the Project Director is capable of managing all aspects of the Center and is either staffed at 1 FTE or there are two Co-Project Directors each at a minimum of 0.75 FTE. The Project Director or Co-Project Directors and all key personnel must be able to provide services at the intensity, duration, and modality appropriate to achieving agreed-upon milestones, outputs, and outcomes described in annual service plans.

(10) Reserve not less than one third of the budget to address the program requirements for CCNetwork coordination (requirements 5 through 8).

Program Requirements for Regional Centers: In addition to the requirements for all Centers, Regional Center grantees under this program must:

(1) Actively coordinate and collaborate with the REL serving their region. Coordination must include annual joint need sensing in a manner designed to comprehensively inform service delivery across both programs while reducing burden on State agencies. The goals of this coordination and collaboration are to share, synthesize, and apply information, ideas, and lessons learned; to enable each type of provider to focus on its designated role; to ensure that work is non-duplicative; to streamline and simplify service provision to States and

LEAs; and to collaborate on projects to better support regional stakeholders.

(2) Consult with a broad range of stakeholders, including chief State school officers and other SEA leaders, TEAs, LEAs, educators, students, and parents, and integrate their feedback in developing the annual service plan to reflect the needs of all States (and to the extent practicable, of LEAs) within the region to be served.

(3) In developing the annual service plan, ensure services are provided to support students and communities with the highest needs, including recipients: (i) that have high percentages or numbers of students from low-income families as referenced in title I, part A of the ESEA (ESEA sec. 1113(a)(5)); (ii) that are implementing comprehensive support and improvement activities or targeted or additional targeted support and improvement activities as referenced in title I, part A of the ESEA (ESEA sec. 1111(d)); (iii) in rural areas; and (iv) serving student populations with demonstrated needs unmet or under-met through other Federal, State, or local interventions.

(4) Explore and provide opportunities to connect peers within and across regions.

(5) Collaborate with the National Center and Content Centers, as appropriate, including to support client and recipient participation in targeted capacity-building services, and obtain and retain the services of nationally recognized content experts through partnership with the National Center, Content Centers, or other federally funded providers.

(6) Support the participation of Regional Center staff in CCNetwork peer learning opportunities, including sharing information about effective practices in the region, to extend the Center's reach to as many SEAs, REAs, TEAs, LEAs, and schools in need of services as possible while also learning about effective capacity-building approaches to enhance the Center's ability to provide high-quality services.

(7) Within 90 days of receiving funding for an award, provide to the Department copies of partnership agreements with the REL(s) in the region that the Center serves and, as appropriate, other Department-funded technical assistance providers that are charged with supporting comprehensive, systemic changes in States or Department-funded technical assistance providers with particular expertise (e.g., early learning or instruction for English language learners) relevant to the region's service plan. Partnership agreements must define processes for coordination and

support collaboration to meet relevant program requirements.

(8) Be located in the region the Center serves. The Project Director must be capable of managing all aspects of the Center and be either at a minimum of 0.75 FTE or there must be two Co-Project Directors each at a minimum of 0.5 FTE. The Project Director or Co-Project Directors and key personnel must also be able to provide on-site services at the intensity, duration, and modality appropriate to achieving agreed-upon milestones, outputs, and outcomes described in annual service plans.

Program Requirements for Content Centers: In addition to the requirements for all Centers, Content Center grantees under this program must:

(1) Consult and integrate feedback from the Department and the National and Regional Centers in developing the annual service plan to inform high-quality tools, resources, and overall technical assistance in priority areas.

(2) Collaborate with Regional Centers to address specific requests for assistance from States within the regions and strengthen Regional Center staff knowledge and expertise on the evidence base and effective practices within its specific content area.

(3) Produce high-quality, universal capacity-building services, and identify, organize, select, and translate existing key research knowledge and Department guidance related to the Center's content area and examples of workable strategies and systems for implementing provisions and programs that have produced positive outcomes for schools and students, and communicate the information in ways that are highly relevant and useful to State- and local-level policymakers, practitioners, and relevant stakeholders.

(4) Collaborate with the National Center and Regional Centers to convene States and LEAs, researchers, and other experts, including other Federal entities and providers of technical assistance as identified by the Department, to learn from each other about practical strategies for implementing ESEA provisions and programs related to the Center's area of focus.

(5) Support the participation of Content Center staff in CCNetwork peer learning opportunities with the goal of providing high-quality services while reaching as many SEAs, REAs, TEAs, LEAs, and schools in need of services as possible.

(6) Within 90 days of receiving funding for an award, provide copies to the Department of partnership agreements with Department-funded technical assistance providers that are

charged with supporting comprehensive, systemic changes in States or Department-funded technical assistance providers with particular expertise relevant to the Center's content area. Partnership agreements must define processes for coordination and support collaboration to meet relevant program requirements.

(7) The Project Director must be capable of managing all aspects of the Center and be either at a minimum of 0.75 FTE or there must be two Co-Project Directors each at a minimum of 0.5 FTE. The Project Director or Co-Project Directors and all key personnel must be able to provide services at the intensity, duration, and modality appropriate to achieving agreed-upon milestones, outputs, and outcomes described in annual service plans.

Application Requirements:

Application Requirements for All Centers:

(1) Present an approach to the proposed project for operating the Comprehensive Center that clearly establishes the critical educational challenges proposed to be addressed by the Center, the impact the Center plans to achieve, including the proposed scope of services in relation to the number of SEAs, REAs, TEAs, LEAs, and, as appropriate, schools served, with respect to specific State and local outcomes that would represent significant achievement in advancing the efforts of State and local systems to improve educational opportunities and student outcomes, and proposes how the Center will efficiently and effectively provide appropriate capacity-building services to achieve the desired outcomes.

(2) Present applicable regional, State, and local educational needs, including relevant data demonstrating the identified needs, and including the perspectives of underrepresented groups, that could be addressed through the proposed capacity-building approach to implement and scale up evidence-based programs, practices, and interventions.

(3) Demonstrate how key personnel possess subject matter expert knowledge of statutory requirements, regulations, and policies related to ESEA programs, current education issues, and policy initiatives for supporting the implementation and scaling up of evidence-based programs, practices, and interventions.

(4) Demonstrate expertise in providing highly relevant and highly effective technical assistance (e.g., that is co-designed with clients; demonstrably addresses authentic needs based on needs-sensing activities; is

timely, relevant, useful, clear and measurable; and results in demonstrable improvements or outcomes), including by demonstrating expertise in the current research on adult learning principles, coaching, and implementation science that will drive the applicant's capacity-building services; how the applicant has successfully supported clients to achieve desired outcomes; and how the applicant will promote self-sufficiency and sustainability of State- and local-led school improvement activities.

(5) Present a logic model (as defined in 34 CFR 77.1) informed by research or evaluation findings that demonstrates a rationale (as defined in 34 CFR 77.1) explaining how the project is likely to improve or achieve relevant and expected outcomes. The logic model must communicate how the proposed project would achieve its expected outcomes (short-term, mid-term, and long-term), and provide a framework for both the formative and summative evaluations of the project consistent with the applicant's performance management plan. Include a description of underlying concepts, assumptions, expectations, beliefs, and theories, as well as the relationships and linkages among these variables, and any empirical support for this framework.

(6) Present a management plan that describes the applicant's proposed approach to managing the project to meet all program requirements related to needs assessment, stakeholder engagement, communications and dissemination, personnel management, and partnerships.

(7) Present a performance management and evaluation plan that describes the applicant's proposed approach to meeting the program requirements related to performance management, including the applicant's proposed strategy to report on defined program performance measures, and describes the criteria for determining the extent to which capacity-building services proposed in annual service plans were implemented as intended; recipient outcomes were met (short-term, midterm, and long-term); recipient capacity was developed; and services reached and were used by intended recipients.

(8) Include in the budget a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with, and approved by, the OESE program officer. With approval from the program officer, the project must reallocate any remaining funds

from this annual set-aside no later than the end of the third quarter of each budget period.

Application Requirements for the National Center: In addition to meeting the application requirements for all Centers, a National Center applicant must:

(1) Describe the proposed approach to leading coordination and collaboration of the CCNetwork, and demonstrate expertise and experience in leading communication and digital engagement strategies to attract and sustain the involvement of education stakeholders, including, but not limited to: implementing a robust web and social media presence, overseeing customer relations management, providing editorial support to Regional and Content Centers, and utilizing web analytics to improve content engagement.

(2) Describe the proposed approach to providing targeted capacity-building services, including how the applicant intends to collaborate with Regional Centers to identify potential recipients and estimate how many SEAs, REAs, TEAs, and LEAs it has the capacity to reach; how it will measure the readiness and capacity of potential recipients; and how it will measure the extent to which targeted capacity-building services achieve intended recipient outcomes and result in increased recipient capacity (and specifically, increase capacity in one or more of the four dimensions of capacity-building).

(3) Describe the proposed approach to universal capacity-building services, including how many and which recipients it plans to reach and how the applicant intends to: measure the extent to which products and services developed address common problems; support recipients in the selection, implementation, and monitoring of evidence-based practices; improve the use of evidence with regard to emerging national education trends; and build recipient capacity in at least one of the four dimensions of capacity-building.

Application Requirements for Regional Centers:

In addition to meeting the application requirements for all Centers, a Regional Center applicant must—

(1) Describe the proposed approach to intensive capacity-building services, including identification of intended recipients based on available data in each of the content areas identified, alignment of proposed capacity-building services to client needs, and engagement of clients who may not initiate contact to request services. The applicant must also describe how it intends to measure the readiness of clients and recipients to

work with the Center; co-design projects and define outcomes; measure and monitor client and recipient capacity across the four dimensions of capacity-building; and measure the outcomes achieved throughout and at the conclusion of a project.

(2) Demonstrate that proposed key personnel have the appropriate subject matter and technical assistance expertise to deliver high-quality, intensive services that meet client and recipient needs similar to those in the region to be served.

Application Requirements for Content Centers: In addition to meeting the application requirements for all Centers, a Content Center applicant must—

(1) Describe the proposed approach to carry out targeted capacity-building services that increase the use of evidence-based products or tools regarding the designated content area amongst practitioners, education system leaders, elementary schools and secondary schools, LEAs, REAs and TEAs, and SEAs.

(2) Describe the proposed approach to providing universal capacity-building services, including how it will develop evidence-based products or tools regarding the designated content area; widely disseminate such products or tools to practitioners, education system leaders, and policymakers in formats that are high quality, easily accessible, understandable, and actionable; identify intended recipients; and align proposed capacity-building services to client needs.

(3) Demonstrate that key personnel have appropriate subject matter and technical assistance expertise to translate evidence into high-quality technical assistance services and products for State and local clients, including expertise applying adult-learning principles and implementation science to the delivery of technical assistance services and products.

Final Definitions

The Department establishes definitions of "client," "collaboration," "coordination," "educator," "English learner," "key personnel," and "recipient," for use in this program in any year in which this program is in effect.

We also replace certain terms established in the 2019 NFP. Specifically, although the 2019 NFP is not generally intended to be superseded by this action, we are establishing new definitions for the terms "high-leverage problem," "outcomes," and "regional educational agency" to better reflect how they are used in the program, including these final priorities,

requirements, definitions, and selection criteria. Additionally, as established in the 2019 NFP, the term “capacity-building services” includes within it definitions for the “four dimensions of capacity-building services” and the “three tiers of capacity-building services.” In this NFP, we define these terms separately. Other than separating these terms, we have not made changes to the general term “capacity-building services” or the “four dimensions of capacity-building services” as established in the 2019 NFP; however, to reflect how they apply to the priorities in this document, we revised definitions for the three tiers of capacity-building services: “intensive capacity-building services,” “targeted capacity-building services,” and “universal capacity-building services.”

We also use in the priorities, requirements, and selection criteria, the following terms, which are defined in the ESEA: “immigrant children and youth,” “migratory child,” and “tribal educational agency” for use in this program in any year in which this program is in effect.

The priorities, requirements, and selection criteria also incorporate the following terms established for use in this program by the 2019 NFP: “milestone” and “outputs.” We have included the definitions of those terms in Appendix 1 to this document.

Capacity-building services means assistance that strengthens an individual’s or organization’s ability to engage in continuous improvement and achieve expected outcomes.

Client means the organization with which the Center enters into agreement for negotiated capacity-building services. The client is engaged in defining the high-leverage problems, capacity-building services, and time-based outcomes for each project noted in the Center’s annual service plan. Representatives of clients include but are not limited to Chief State School Officers or their designees, LEA leaders, and other system leaders.

Collaboration means exchanging information, altering activities, and sharing in the creation of ideas and resources to enhance the capacity of one another for mutual benefit to accomplish a common goal.

Coordination means exchanging information, altering activities, and synchronizing efforts to make unique contributions to shared goals.

Educator means an individual who is a teacher (including an early education teacher), principal or other school leader, administrator, specialized instructional support personnel (e.g., school psychologist, counselor, school

social worker, librarian, early intervention service personnel), paraprofessional, faculty, and others.

English learner means an individual who is an English learner as defined in section 8101(20) of the ESEA, or an individual who is an English language learner as defined in section 203(7) of the Workforce Innovation and Opportunity Act.

Four dimensions of capacity-building services are:

(1) *Human capacity* means development or improvement of individual knowledge, skills, technical expertise, and ability to adapt and be resilient to policy and leadership changes.

(2) *Organizational capacity* means structures that support clear communication and a shared understanding of an organization’s visions and goals, and delineated individual roles and responsibilities in functional areas.

(3) *Policy capacity* means structures that support alignment, differentiation, or enactment of local, State, and Federal policies and initiatives.

(4) *Resource capacity* means tangible materials and assets that support alignment and use of Federal, State, private, and local funds.

High-leverage problems means problems that (1) if addressed could result in substantial improvements for groups of students with the greatest need, including for students from low-income families and for students attending schools implementing comprehensive support and improvement or targeted or additional targeted support and improvement activities under ESEA section 1111(d); (2) are priorities for education policymakers, particularly at the State level; and (3) require intensive capacity-building services to achieve outcomes that address the problem.

Immigrant children and youth have the meaning ascribed in section 3201(5) of the ESEA.

Intensive capacity-building services means assistance often provided on-site and requiring a stable, ongoing relationship between the Comprehensive Center and its clients and recipients, as well as periodic reflection, continuous feedback, and use of evidence-based improvement strategies. This category of capacity-building services should support increased recipient capacity in more than one dimension of capacity-building services and result in medium-term and long-term outcomes at one or more system levels.

Key personnel means any personnel considered to be essential to the work being performed on the project.

Migratory child has the meaning ascribed it in section 1309(3) of the ESEA.

Outcomes means demonstrable effects of receiving capacity-building services and must reflect the result of capacity built in at least one of the four dimensions of capacity building. “Outcomes” includes short-term outcomes, medium-term outcomes, and long-term outcomes:

(1) *Short-term outcomes* means effects of receiving capacity-building services after 1 year.

(2) *Medium-term outcomes* means effects of receiving capacity-building services after 2 to 3 years.

(3) *Long-term outcomes* means effects of receiving capacity-building services after 4 or more years.

Recipient means organizations including, but not limited to, SEAs, LEAs, REAs, TEAs, and schools that have received “intensive” and “targeted” capacity-building services and products from Regional Centers, or that received “targeted” or “universal” capacity-building services and products from the National Center or Content Centers.

Regional educational agency means educational agencies that serve regional areas within a State.

Targeted capacity-building services means assistance based on needs common to multiple clients and recipients and not extensively individualized. A relationship is established between the recipient(s), the National Center or Content Center, and Regional Center(s), as appropriate. This category of capacity-building services includes one-time, labor-intensive events, such as facilitating strategic planning or hosting national or regional conferences. It can also include services that extend over a period of time, such as facilitating a series of conference calls, virtual or in-person meetings, or learning communities on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted capacity-building services.

Tribal educational agency has the meaning ascribed in section 6132(b)(3) of the ESEA.

Universal capacity-building services means assistance and information provided to independent users through their own initiative, involving minimal interaction with National or Content Center staff. This category of capacity-building services includes information or products, such as newsletters,

guidebooks, policy briefs, or research syntheses, downloaded from the Center's website by independent users, and may include one-time, invited or offered webinar or conference presentations by National or Content Center staff. Brief communications or consultations by National or Content Center staff with recipients, either by telephone or email, are also considered universal services.

Final Selection Criteria

The Secretary establishes the following selection criteria for evaluating an application under this program. We may apply one or more of these criteria in any year in which this program is in effect. In the NIA we will announce the maximum possible points available under each criterion.

Approach to Capacity Building. In determining the overall quality of the approach to capacity building of the proposed project, the Secretary may consider one or more of the following factors.

(1) The extent to which the proposed project represents an exceptional approach to responding to the priority or priorities established for the competition that will likely result in building SEA capacity to implement State-level initiatives and support local- and school-level initiatives that improve educational opportunities and outcomes, close achievement gaps, and improve the quality of instruction for all students.

(2) The extent to which the applicant demonstrates an exceptional approach to developing and delivering high-quality, useful, and relevant capacity-building services that are likely to achieve desired recipient outcomes, including—

(a) In the case of an applicant for the National Center, targeted and universal capacity-building services that would be expected to assist SEAs, REAs, TEAs, LEAs, and Regional Center clients and recipients, including those who do not proactively request assistance, to address the activities described in the priority;

(b) In the case of an applicant for a Regional Center, intensive capacity-building services that would be expected to assist clients and recipients to address the activities described in the priority; and

(c) In the case of an applicant for a Content Center, targeted and universal capacity-building services that would be expected to assist clients and recipients, including those who do not proactively request assistance, to address activities described in the priority related to the designated content area.

(3) The extent to which the proposed approach to capacity building provides strategies that address the technical assistance needs of State and local educational systems in key areas of identified need, as evidenced by in-depth knowledge and understanding of—

(a) In the case of an applicant for the National Center, implementation challenges faced by States; evidence-based practices related to teaching, learning, and development; needs of schools designated for improvement; needs to improve core instruction; and emerging education topics of national importance;

(b) In the case of an applicant for a Regional Center, the specific educational goals and priorities of the States to be served by the applicant, including emerging priorities based on State-led reform efforts, and the applicable State and regional demographics, policy contexts, and other factors and their relevance to improving educational opportunities and outcomes, closing achievement gaps, and improving instruction; and

(c) In the case of an applicant for a Content Center, State technical assistance needs and evidence-based practices related to the Content Center priority for which the applicant is applying.

(4) In the case of an applicant for the National Center, the extent to which the approach to capacity building and management plans propose an exceptional approach to meeting the application requirements for the National Center.

(5) In the case of an applicant for a Regional Center, the extent to which the applicant's approach to capacity building proposes an exceptional approach to meeting the application requirements for all Regional Centers.

(6) In the case of an applicant for a Content Center, the extent to which the applicant's approach to capacity building proposes an exceptional approach to meeting the application requirements for all Content Centers.

Quality of Project Design. In determining the quality of the project design of the proposed Center for which the applicant is applying, the Secretary may consider one or more of the following factors.

(1) The extent to which the proposed performance management and evaluation system and processes demonstrate an exceptional approach to integrating continuous improvement processes and evaluation that will result in regular and ongoing improvement in the quality of the services provided and

increase the likelihood that recipient outcomes are achieved.

(2) The extent to which the proposed stakeholder engagement system is likely to result in a high level of engagement with multiple potential beneficiaries or participants involved in or impacted by the proposed capacity-building activities to ensure that the proposed services reflect their needs, are delivered in a manner that is relevant and useful, and reach the largest number of recipients possible.

(3) The extent to which the proposed personnel management system includes effective processes to enable hiring, developing, supervising, and retaining a team of subject matter and technical assistance experts, consultants and professional staff, and ensure availability of appropriate expertise and staffing at a level sufficient to effectively execute the responsibilities of key personnel to achieve the goals of the project.

(4) The extent to which the proposed partnerships represent an intentional approach to collaboration that is likely to reduce client burden and to ensure that Federal resources are being used most efficiently and effectively to meet a variety of needs across federally funded providers.

(5) In the case of an applicant for the National Center, the extent to which the proposed project represents an exceptional management approach to coordination, collaboration, and communication of the complex work of the CCNetwork.

Subject Matter and Technical Assistance Expertise. In determining the subject matter and technical assistance expertise of key project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have historically been underrepresented based on race, color, national origin, gender, age, or disability.

In addition, the Secretary may consider one or more of the following factors.

(1) The extent to which key project personnel demonstrate the required subject matter expertise and relevant knowledge, understanding, and experience in operating and administering State and local educational systems to effectively support recipients.

(2) The extent to which the applicant has demonstrated exceptional technical assistance expertise in providing high-quality, timely, relevant, and useful technical assistance and capacity-building services to State and local educational systems.

(3) The extent to which the applicant has demonstrated the ability to develop new and ongoing partnerships with leading experts and organizations nationwide or regionally, as appropriate, that enhance its ability to provide high-quality technical assistance and subject matter expertise.

(4) In the case of an applicant for the National Center, the extent to which the applicant has demonstrated ability in operating a project of such scope.

This document does not preclude the Department from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This document does *not* solicit applications. In any year in which we choose to use one or more of these priorities, requirements, selection criteria, and definitions, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563, and 14094

Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget (OMB) must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866, as amended by Executive Order 14094, defines a “significant regulatory action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$200 million or more (as of 2023 but adjusted every 3 years by the Administrator of the Office of Information and Regulatory Affairs (OIRA) of OMB for changes in gross domestic product), or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or Tribal governments;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise legal or policy issues for which centralized review would meaningfully further the President’s priorities, or the principles stated in the Executive order, as specifically

authorized in a timely manner by the Administrator of OIRA in each case.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866, as amended by Executive Order 14094.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866, as amended by Executive Order 14094. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing these final priorities, requirements, definitions, and selection criteria only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we

selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with these Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department’s programs and activities. The Department believes that this regulatory action would not impose significant costs on eligible entities, whose participation in the Comprehensive Centers Program is voluntary, and whose costs can generally be covered with grant funds. As a result, the regulatory action will not impose any particular burden, except when an entity voluntarily elects to apply for a grant. The priorities, requirements, definitions, and selection criteria help ensure that the grant program selects a high-quality applicant to implement activities that meet the goals of the program for each Center. We believe these benefits outweigh any associated costs.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov.

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Adam Schott,

*Principal Deputy Assistant Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant
Secretary Office of Elementary and Secondary
Education.*

Appendix I

The final priorities, requirements, and selection criteria incorporate the following terms established for use in this program by the 2019 NFP:

Milestone means an activity that must be completed. Examples include: Identifying

key district administrators responsible for professional development, sharing key observations from needs assessment with district administrators and identified stakeholders, preparing a logic model, planning for State-wide professional development, identifying subject matter experts, and conducting train-the-trainer sessions.

Outputs means products and services that must be completed. Examples include: Needs assessment, logic model, training modules, evaluation plan, and 12 workshop presentations.

Note: A product output under this program would be considered a deliverable under the open licensing regulations at 2 CFR 3474.20.

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Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed 2024–25 Frameworks for Migratory Bird
Hunting Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS-HQ-MB-2023-0113;
FXMB1231099BPP0-245-FF09M32000]

RIN 1018-BG63

**Migratory Bird Hunting; Proposed
2024–25 Frameworks for Migratory
Bird Hunting Regulations****AGENCY:** Fish and Wildlife Service,
Interior.**ACTION:** Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) is proposing to establish the frameworks from which States may select season dates, limits, and other options for the 2024–25 migratory game bird hunting season. We annually prescribe outside limits (which we call frameworks) within which States may select hunting seasons. Frameworks specify the outside dates, season lengths, shooting hours, bag and possession limits, and areas where migratory game bird hunting may occur. These frameworks are necessary to allow State selections of seasons and limits and to allow harvest at levels compatible with migratory game bird population status and habitat conditions. Migratory game bird hunting seasons provide opportunities for recreation and sustenance and aid Federal, State, and Tribal governments in the management of migratory game birds.

DATES: You must submit comments on the proposed migratory bird hunting frameworks by June 12, 2024.

ADDRESSES:

Comment submission: You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. In the Search box, enter FWS-HQ-MB-2023-0113, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”
- *U.S. Mail:* Public Comments Processing, Attn: FWS-HQ-MB-2023-0113; U.S. Fish and Wildlife Service, MS: JAO/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We will not accept emailed or faxed comments. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any

personal information you provide us (see Public Comments, below, for more information).

Document availability: Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <https://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, Virginia.

FOR FURTHER INFORMATION CONTACT:

Jerome Ford, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358-2606. 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:**Process for Establishing Annual
Migratory Game Bird Hunting
Regulations**

The process for promulgating annual regulations for the hunting of migratory game birds involves the publication of a series of proposed and final rulemaking documents. We provided a detailed overview of the current process in the August 3, 2017, **Federal Register** (82 FR 36308). This proposed rule is the second in a series of proposed and final rules that establish regulations for the 2024–25 migratory game bird hunting season in title 50 of the Code of Federal Regulations (CFR).

On February 8, 2024, we published in the **Federal Register** (89 FR 8631) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the regulations development process for the 2024–25 hunting season relating to open public meetings and **Federal Register** notifications were illustrated in the diagram at the end of the February 8, 2024, proposed rule.

Further, in the February 8, 2024, proposed rule we explained that sections of subsequent documents outlining hunting frameworks and guidelines would be organized under

numbered headings, which were set forth in that proposed rule (see 89 FR 8631). This document refers only to numbered items requiring attention and omits those items not requiring attention. Therefore, the numbered items are discontinuous, and the list appears incomplete.

We provided the meeting dates and locations for the Service Regulations Committee (SRC) on our website at <https://www.fws.gov/event/us-fish-and-wildlife-service-migratory-bird-regulations-committee-meeting> and Flyway Council meetings on Flyway calendars posted on our website at <https://www.fws.gov/partner/migratory-bird-program-administrative-flyways>. The February 8, 2024, proposed rule provided detailed information on the proposed 2024–25 regulatory schedule. The SRC conducted an open meeting with the Flyway Council Consultants on May 31, 2023, to discuss preliminary issues for the 2024–25 regulations, and on October 10, 2023, to review information on the current status of migratory game birds and develop recommendations for the 2024–25 regulations for these species.

This supplemental proposed rule provides the regulatory alternatives for the 2024–25 duck hunting season and provides proposed frameworks for the 2024–25 migratory bird hunting season. It will lead to final frameworks from which States may select season dates, shooting hours, areas, and limits. We have considered all pertinent comments received through March 11, 2024, which includes comments submitted in response to our February 8, 2024, proposed rulemaking document and comments from the May and October SRC meetings. In addition, new proposals for certain regulations are provided for public comment. The comment period is specified above under **DATES**. Our goal is to publish final regulatory frameworks for migratory game bird hunting in the **Federal Register** in spring 2024.

Population Status and Harvest

Each year, we publish reports that provide detailed information on the status and harvest of certain migratory game bird species. These reports are available at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our website at <https://www.fws.gov/library/collections/population-status>, <https://www.fws.gov/library/collections/migratory-bird-hunting-activity-and-harvest-reports>, and <https://www.fws.gov/project/adaptive-harvest-management>.

We used the following annual reports published in August 2023 in the

development of these regulatory frameworks for the migratory bird hunting season:

- Adaptive Harvest Management, 2024 Hunting Season;
- American Woodcock Population Status, 2023;
- Band-tailed Pigeon Population Status, 2023;
- Migratory Bird Hunting Activity and Harvest During the 2020–21, 2021–22 and 2022–23 Hunting Seasons;
- Mourning Dove Population Status, 2023;
- Status and Harvests of Sandhill Cranes, Mid-continent, Rocky Mountain, Lower Colorado River Valley and Eastern Populations, 2023; and
- Waterfowl Population Status, 2023.

Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Migratory game bird hunting seasons provide opportunities for recreation and sustenance, and aid Federal, State, and Tribal governments in the management of migratory game birds. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, we conclude that the proposed hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received during the public comment period.

Review of Public Comments and Flyway Council Recommendations

The preliminary proposed rulemaking, which appeared in the February 8, 2024, **Federal Register**, opened the public comment period for migratory game bird hunting regulations and described the proposed regulatory alternatives for the 2024–25 duck hunting season. Comments and recommendations are summarized below and numbered in the order set forth in the February 8, 2024, proposed rule (see 89 FR 8631).

We received recommendations from all four Flyway Councils at the May and October SRC meetings; all recommendations are from the October meeting unless otherwise noted. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for

continuation of last year's frameworks is assumed for items for which no recommendations were received.

Council recommendations for changes in the frameworks are summarized below. As explained earlier in this document, we have included only the numbered items pertaining to issues for which we received recommendations. Consequently, the issues do not follow in successive numerical order.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, proposals are discussed under headings corresponding to the numbered items in the February 8, 2024, proposed rule.

General

Written Comment: Several commenters protested the entire migratory bird hunting regulations process and the killing of all migratory birds and questioned the status and habitat data on which the migratory bird hunting regulations are based.

Service Response: As we indicated above under Population Status and Harvest, our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Sustaining migratory bird populations and ensuring a variety of sustainable uses, including harvest, is consistent with the guiding principles by which migratory birds are to be managed under the conventions between the United States and several foreign nations for the protection and management of these birds. We have taken into account available information and considered public comments and continue to conclude that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. In regard to the regulations process, the Flyway Council system of migratory bird management has been a longstanding example of State–Federal cooperative management since its establishment in 1952 in the regulation development process and bird population and habitat monitoring. However, as always, we continue to seek new ways to streamline and improve the process and ensure adequate conservation of the resource.

Written Comment: A few commenters suggested specific season lengths and daily bag limits for waterfowl hunting.

Service Response: We annually prescribe outside limits for migratory bird hunting, and these limits are necessary to allow State selections of seasons and limits and to allow harvest at levels compatible with migratory game bird population status and habitat conditions. Following the decision frameworks adopted by the Service and Flyway Council recommendations based on Flyway Council management plans and harvest strategies, we used the most current data on populations, habitat, and harvest strategies and have determined the appropriate limits. All of the Flyway Council recommendations included a public comment period during the Councils' adoption process. As we indicated above under Population Status and Harvest, our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. We have taken into account available information and considered public comments and continue to conclude that the maximum limits for hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. It is up to the States to select specific hunting seasons for migratory birds within these federally established limits, and the States each have their own process for rulemaking and considering public comments on specific season lengths, daily bag limits, hunting areas, etc.

Written Comment: One commenter suggested a 70-day season limit should be implemented for the Atlantic Flyway with a 4-scaup daily bag limit.

Service Response: The maximum season length for the general duck hunting season in the Atlantic Flyway is determined using the most current data on populations, habitat, and harvest following the eastern waterfowl Adaptive Harvest Management decision framework that we adopted for the Atlantic Flyway through a cooperative process with the Atlantic Flyway Council and published in the **Federal Register** for public comment (83 FR 27841, June 14, 2018, and 84 FR 16154, April 17, 2019). The season length for the general duck season for the Atlantic Flyway suggested by the commenter is inconsistent with current data, the Atlantic Flyway Council's recommendation, and the Service's decision framework for the general duck season. Similarly, the daily bag limit for scaup in the Atlantic Flyway is established using the most current data on populations, habitat, and harvest

following the decision framework that we adopted for the Atlantic Flyway through a cooperative process with the Atlantic Flyway Council and published in the **Federal Register** for public comment (3 FR 43290, July 24, 2008, and 73 FR 51124, August 29, 2008). The scaup daily bag limit suggested by the commenter is inconsistent with current data, Atlantic Flyway Council's recommendation, and the Service's decision framework for scaup seasons.

Written Comment: One commenter stated that the pilot study being conducted only in South Dakota and Nebraska should be expanded to all States. The commenter further suggested that the 4-year study should be conducted every year to ensure compatibility with long-term viability of migratory bird populations. Another commenter expressed concern regarding the relaxing of waterfowl identification requirements for waterfowl hunting for the purpose of increasing hunter numbers. The commenter stated that increasing waterfowl hunter numbers should not mean less meticulous standards of hunting despite associated reduced daily bag limit. The commenter recognizes that there are special protocols for species of special concern, but questions if those protocols will be taken seriously if identification of waterfowl is not prioritized.

Service Response: In 2020, we authorized a request from the Central Flyway Council for a 4-year pilot study on a two-tier duck hunting regulatory system in South Dakota and Nebraska. The intent of the two-tier regulation study is to evaluate whether regulations that relax the requirement for hunters to identify duck species can improve waterfowl hunter recruitment and retention. The pilot study for the two-tier system does not directly relate to special protocols; we anticipate minimal impacts from the pilot study to species of special concern because the two-tier system applies only under a liberal or moderate season and the reduced bag limit for the subset of hunters participating under the applicable tier. We will not expand this two-tier regulatory system to other studies or States until completion of a final report and evaluation of the current pilot study, which includes analysis of species of concern. The pilot study report will be due to the Service after the 2024–25 hunting season.

Written Comment: We received a comment from the Leech Lake Band of Ojibwe, Division of Resource Management (Band), in Minnesota. The Band raised the issue of potential conflicts between Tribal members harvesting wild rice and the teal

hunting season by the public. The Band asked that, to affirmatively protect their citizens while continuing the safe exercise of treaty rights to harvest wild rice, the following provision be added to the final rule, “No hunting by any person will be allowed within one-half mile of posted wild rice beds open to harvest within the Leech Lake Indian Reservation. No travel by boat is allowed within a wild rice bed unless while ricing.” The Band also objected to the Service's preliminary determinations in the preamble with respect to the “Government-to-Government Relationship With Tribes,” requesting specific language changes to this determination.

Service Response: We have facilitated meetings to understand the potential conflict between harvesting wild rice and the experimental teal season where the public can hunt waterfowl on Leech Lake within the Band's reservation (the current teal hunting conflict is with respect to the State of Minnesota's experimental early teal season; the State may request in the future that the experimental season become operational). These activities are not mutually exclusive, and based on the facilitated meetings held we remain optimistic that those discussions will result in local solutions that minimize potential conflicts between the two activities. Last year, the Band and the State of Minnesota agreed to State waterfowl hunting rules that resolved this conflict (Department of Natural Resources, Adopted Expedited Emergency Game and Fish Rules: 6240.0200, Subp. 8. Early teal season restrictions, “Within the boundaries of the Leech Lake Reservation, taking teal during the early teal season is prohibited within one-half mile of wild rice beds that are posted open to rice harvesting by Tribal authorities.”). The Service is willing to facilitate discussions between the Band and the State again to ensure that Band members are able to continue to safely harvest wild rice during the early experimental hunting season.

The Service encourages the Band and the State to come into a long-term agreement that resolves these issues, especially if the State of Minnesota decides to make the experimental early teal season operational. Similarly, until the State decides to make this teal season operational, adopting the Band's recommended provisions may be premature. As for the Band's recommended regulatory language, we have chosen not to adopt the Band's recommended provision in the 2024–25 migratory game bird hunting frameworks because such language falls

outside the scope of this regulation, which prescribes the outside limits of “frameworks” within which States may select hunting seasons. However, during development of our final rule that will set forth State season selections for the 2024–25 migratory game bird hunting seasons, we will consider incorporating regulatory language adopted by the State of Minnesota to address Tribal concerns, if such language is available. Having delegated Tribal hunting season-related regulations to the Tribes (see 88 FR 60375; September 1, 2023), we believe the Band may want to incorporate its recommended regulatory language in its own regulations. We encourage the Tribe to consider mutually acceptable solutions with the State, and to inform us if there are any mechanisms through which the Department can facilitate such discussions.

In response to the Band's request to modify our preliminary determinations in the “Required Determinations” portion of our February 8, 2024, proposed rule (89 FR 8631), we have clarified these determinations in that portion of the preamble to this proposed rule. While the Band's comment specifically noted the “Government-to-Government Relationship With Tribes” preliminary determination, because the Band's comment raises issues on their reservation lands, we have also clarified our determination on “Federalism Effects—Executive Order 13132.”

1. Ducks

A. General Harvest Strategy

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended adoption of the liberal regulatory alternative for their respective flyways.

Service Response: As we stated in the February 8, 2024, proposed rule, we intend to continue use of Adaptive Harvest Management (AHM) to help determine appropriate duck-hunting regulations for the 2024–25 season. AHM is a tool that permits sound resource decisions in the face of uncertain regulatory impacts and provides a mechanism for reducing that uncertainty over time. We use an AHM protocol (decision framework) to evaluate four regulatory alternatives, each with a different expected harvest level, and choose the optimal regulation for duck hunting for the Mississippi, Central, and Pacific Flyways based on the status and demographics of mallards and in the Atlantic Flyway based on the status and demographics of a suite of four species (eastern waterfowl) (see below, and the earlier referenced report “Adaptive Harvest Management, 2024

Hunting Season” for more details). We have specific AHM protocols that guide appropriate bag limits and season lengths for species of special concern, including black ducks, scaup, pintails, and eastern mallards. These protocols have species-specific regulatory alternatives.

For the 2024–25 hunting season, we will continue to use independent optimizations to determine the appropriate regulatory alternative for mallard stocks in the Mississippi, Central, and Pacific Flyways and for eastern waterfowl in the Atlantic Flyway. This means that we will develop regulations for mid-continent mallards, western mallards, and eastern waterfowl independently based on the breeding stock(s) that contribute primarily to each Flyway. We detailed implementation of AHM protocols for mid-continent and western mallards in the July 24, 2008, **Federal Register** (73 FR 43290), and for eastern waterfowl in the September 21, 2018, **Federal Register** (83 FR 47868).

Atlantic Flyway

For the Atlantic Flyway, we set duck-hunting regulations based on the status and demographics of a suite of four duck species (eastern waterfowl) in eastern Canada and the Atlantic Flyway States: green-winged teal, common goldeneye, ring-necked duck, and wood duck. For purposes of the assessment, eastern waterfowl stocks are those breeding in eastern Canada and Maine (Federal Waterfowl Breeding Population and Habitat Survey (WBPHS) fixed-wing surveys in strata 51–53, 56, and 62–70, and helicopter plot surveys in strata 51–52, 63–64, 66–68, and 70–72) and in Atlantic Flyway States from New Hampshire south to Virginia (Atlantic Flyway Breeding Waterfowl Survey, AFBWS). Abundance estimates for green-winged teal, ring-necked ducks, and goldeneyes are derived annually by integrating fixed-wing and helicopter survey data from eastern Canada and Maine (WBPHS strata 51–53, 56, and 62–72). Counts of green-winged teal, ring-necked ducks, and goldeneyes in the AFBWS are negligible and therefore excluded from population estimates for those species. Abundance estimates for wood ducks in the Atlantic Flyway (Maine south to Florida) are estimated by integrating data from the AFBWS and the North American Breeding Bird Survey. Counts of wood ducks from the WBPHS are negligible and therefore excluded from population estimates.

For the 2024–25 hunting season, we evaluated alternative harvest regulations for eastern waterfowl using: (1) A management objective of 98 percent of

maximum long-term sustainable harvest for eastern waterfowl; (2) the 2024–25 regulatory alternatives; and (3) current stock-specific population models and associated weights. Based on the liberal regulatory alternative selected for the 2023–24 duck hunting season and the 2023 survey estimates of 0.97 million wood ducks, 0.39 million American green-winged teal, 0.66 million ring-necked ducks, and 0.85 million goldeneyes in the eastern survey area and Atlantic Flyway, the optimal regulation for the Atlantic Flyway is the liberal alternative. Therefore, we concur with the recommendation of the Atlantic Flyway Council regarding selection of the liberal regulatory alternative as described in the February 8, 2024, proposed rule for the 2024–25 season.

Mississippi and Central Flyways

For the Mississippi and Central Flyways, we set duck-hunting regulations based on the status and demographics of mid-continent mallards and habitat conditions (pond numbers in Prairie Canada and the United States). For purposes of the assessment, mid-continent mallards are those breeding in central North America (Federal WBPHS strata 13–18, 20–50, and 75–77) and in Michigan, Minnesota, and Wisconsin (State surveys).

For the 2024–25 hunting season, we evaluated alternative harvest regulations for mid-continent mallards using: (1) A management objective of maximum long-term sustainable harvest; (2) the 2024–25 regulatory alternatives; and (3) the current population model. Based on a liberal regulatory alternative selected for the 2023–24 hunting season and the 2023 survey estimates of 6.22 million mid-continent mallards and 4.98 million total ponds observed in Prairie Canada and the United States, the optimal choice for the 2024–25 hunting season in the Mississippi and Central Flyways is the liberal regulatory alternative. Therefore, we concur with the recommendations of the Mississippi and Central Flyway Councils regarding selection of the liberal regulatory alternative as described in the February 8, 2024, proposed rule for the 2024–25 season.

Pacific Flyway

For the Pacific Flyway, we set duck-hunting regulations based on the status and demographics of western mallards. For purposes of the assessment, western mallards consist of two substocks and are those breeding in Alaska and Yukon Territory (Federal WBPHS strata 1–12) and those breeding in the southern Pacific Flyway including California,

Oregon, Washington, and British Columbia (State and Provincial surveys) combined.

For the 2024–25 hunting season, we evaluated alternative harvest regulations for western mallards using: (1) A management objective of maximum long-term sustainable harvest; (2) the 2024–25 regulatory alternatives; and (3) the current population model. Based on a liberal regulatory alternative selected for the 2023–24 hunting season and 2023 survey estimates of 0.82 million western mallards observed in Alaska (0.38 million) and the southern Pacific Flyway (0.44 million), the optimal regulation for the Pacific Flyway is the liberal regulatory alternative. Therefore, we concur with the recommendation of the Pacific Flyway Council regarding selection of the liberal regulatory alternative as described in the February 8, 2024, proposed rule for the 2024–25 season.

B. Regulatory Alternatives

Council Recommendations: At the May 2023 SRC meeting, the Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended that AHM regulatory alternatives for duck hunting during the 2024–25 season remain the same as those used in the previous season.

Service Response: Consistent with Flyway Council recommendations, the AHM regulatory alternatives proposed for the Atlantic, Mississippi, Central, and Pacific Flyways in the February 8, 2024, proposed rule (89 FR 8631) will be used for the 2024–25 duck hunting season (see accompanying table at the end of that document for specific information). The AHM regulatory alternatives consist only of the maximum season lengths, framework dates, and bag limits for total ducks and mallards. For those species with specific harvest strategies (pintails, black ducks, scaup, and eastern mallards), each with their own set of regulatory alternatives, the species-specific strategies and regulatory alternatives will be used for the 2024–25 hunting season.

D. Special Seasons/Species Management

i. Early Teal Seasons

The special early teal season guidelines (see 79 FR 51402 at 51403, August 28, 2014) indicate that a 16-day special early (September) teal season with a 6-teal daily bag limit is appropriate for States in the Atlantic, Mississippi, and Central flyways if the Federal WBPHS (traditional survey area; strata 1–18, 20–50, and 75–77) estimate is greater than 4.7 million blue-winged

teal. The 2023 survey estimate is 5.3 million blue-winged teal, indicating a 16-day special early teal season with a 6-teal daily bag limit is appropriate.

Council Recommendations: The Mississippi Flyway Council recommended that the experimental teal season in Minnesota be extended for a fourth year with no data collection required.

Service Response: The Service concurs with the Mississippi Flyway Council's recommendation. In the July 16, 2021, **Federal Register** (86 FR 37854), we authorized a 3-year experimental special early teal season in Minnesota beginning in 2021 or 2022. Previously, we described in the August 28, 2014, **Federal Register** (79 FR 51402) that the Flyway Councils and Service completed a thorough assessment of the harvest potential for teal (blue-winged, green-winged, and cinnamon), and an assessment of the impacts of current special early seasons on these three species. The criteria established in 2014 regarding the experimental season and transition to operational status applies. We worked with the State of Minnesota to develop an evaluation plan and associated memorandum of agreement (MOA) for this experimental season detailing the required sample sizes, decision criteria for the experimental season to become operational, and roles and responsibilities. The plan consists of a 3-year evaluation of hunter performance (via spy blind studies) with regard to attempt and kill rates on nontarget species during the experimental early teal season. The 1-year extension of the experimental teal season, without a requirement to collect data, will allow the current harvest opportunity to continue during the 2024 early teal season until an evaluation of the first 3 years of data is completed. Any future request for operational status will be based on that evaluation and relevant data collected during the experimental season. We note that preliminary results indicate Minnesota has met all criteria for operational status based on currently available data through the second year of the experimental season.

ii. Early Teal–Wood Duck Seasons

In Florida, Kentucky, and Tennessee, in lieu of a special early teal season, a 5-consecutive-day teal–wood duck season may be selected in September. The daily bag limit may not exceed six teal and wood ducks in the aggregate, of which no more than two may be wood ducks. In addition, a 4-consecutive-day special early teal-only season may be selected in September either immediately before or immediately after

the 5-consecutive-day teal–wood duck season. The daily bag limit is six teal.

iii. Black Ducks

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended adoption of the moderate regulatory alternative for their respective flyways. The flyway-specific regulations consist of a daily bag limit of two black ducks and a season length of 60 days.

Service Response: The Service, Atlantic and Mississippi Flyway Councils, and Canada adopted an international AHM protocol for black ducks in 2012 (77 FR 49868, August 17, 2012) whereby we set black duck hunting regulations for the Atlantic and Mississippi Flyways (and Canada) based on the status and demographics of these birds.

For the 2024–25 hunting season, we evaluated alternative harvest regulations for black ducks using: (1) A management objective of 98 percent of maximum long-term sustainable harvest; (2) the black duck regulatory alternatives; and (3) current population model. Based on the moderate regulatory alternative selected for the 2023–24 hunting season and the 2023 survey estimate of 0.73 million black ducks, the optimal regulation for the Atlantic and Mississippi Flyways is the moderate alternative. Therefore, we concur with the recommendations of the Atlantic and Mississippi Flyway Councils.

iv. Canvasbacks

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended adoption of the liberal regulatory alternative for their respective flyways. The flyway-specific regulations consist of a daily bag limit of two canvasbacks and a season length of 60 days in the Atlantic and Mississippi Flyways, 74 days in the Central Flyway, and 107 days in the Pacific Flyway.

Service Response: As we discussed in the March 28, 2016, **Federal Register** (81 FR 17302), the canvasback harvest strategy that we relied on until 2015 was not viable under our new regulatory process because it required biological information that was not yet available at the time a decision on season structure needed to be made. We do not yet have a new harvest strategy to propose for use in guiding canvasback harvest management in the future. However, we have worked with technical staff of the four Flyway Councils to develop a decision framework (hereafter, decision support tool) that relies on the best biological information available to

develop recommendations for annual canvasback harvest regulations. The decision support tool uses available information (1994–2014) on canvasback breeding population size in Alaska and north-central North America (Federal WBPBS traditional survey area; strata 1–18, 20–50, and 75–77), growth rate, survival, and harvest, and a population model to evaluate alternative harvest regulations based on a management objective of maximum long-term sustainable harvest. The decision support tool calls for a closed season when the population is below 460,000, a 1-bird daily bag limit when the population is between 460,000 and 480,000, and a 2-bird daily bag limit when the population is greater than 480,000. Based on the 2023 survey estimate of 619,000 canvasbacks, we concur with the recommendations of the four Flyway Councils regarding selection of the liberal regulatory alternative for the 2024–25 season.

v. Pintails

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended adoption of the liberal regulatory alternative with a 1-pintail daily bag limit for their respective flyways. The flyway-specific regulations consist of a season length of 60 days in the Atlantic and Mississippi Flyways, 74 days in the Central Flyway, and 107 days in the Pacific Flyway.

Service Response: The Service and the four Flyway Councils adopted an AHM protocol for pintails in 2010 (75 FR 44856, July 29, 2010) whereby we set pintail hunting regulations in all four flyways based on the status and demographics of these birds.

For the 2024–25 hunting season, we evaluated alternative harvest regulations for pintails using: (1) A management objective of maximum long-term sustainable harvest, including a closed-season constraint of 1.75 million birds; (2) the pintail regulatory alternatives; and (3) current population models and associated weights. Based on a liberal regulatory alternative with a 1-bird daily bag limit for the 2023–24 season, and the 2023 survey estimates of 2.22 million pintails at a mean latitude of 54.78 degrees (Federal WBPBS traditional survey area, strata 1–18, 20–50, and 75–77), the optimal regulation for all four flyways is the liberal alternative with a 1-pintail daily bag limit. Therefore, we concur with the recommendations of the four Flyway Councils for the 2024–25 season.

vi. Scaup

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended adoption of the restrictive regulatory alternative for their respective flyways. The flyway-specific regulations consist of a 60-day season with a 1-bird daily bag limit during 40 consecutive days and a 2-bird daily bag limit during 20 consecutive days in the Atlantic Flyway; a 60-day season with a 2-bird daily bag limit during 45 consecutive days and a 1-bird daily bag limit during 15 consecutive days in the Mississippi Flyway; a 1-bird daily bag limit for 74 days in the Central Flyway (which may have separate segments of 39 days and 35 days); and an 86-day season with a 2-bird daily bag limit in the Pacific Flyway.

Service Response: The Service and four Flyway Councils adopted an AHM protocol for scaup in 2008 (73 FR 43290, July 24, 2008, and 73 FR 51124, August 29, 2008) whereby we set scaup hunting regulations in all four flyways based on the status and demographics of these birds.

For the 2024–25 hunting season, we evaluated alternative harvest regulations for scaup using: (1) A management objective of 95 percent of maximum sustainable harvest; (2) the scaup regulatory alternatives; and (3) current population model. Based on a restrictive regulatory alternative for the 2023–24 season, and the 2023 survey estimate of 3.52 million scaup (Federal WBPBS traditional survey area; strata 1–18, 20–50, and 75–77), the optimal regulation for all four flyways is the restrictive alternative. Therefore, we concur with the recommendations of the four Flyway Councils regarding selection of the restrictive alternative for the 2024–25 season.

ix. Eastern Mallards

Council Recommendations: The Atlantic Flyway Council recommended adoption of the liberal regulatory alternative for their flyway. The Atlantic Flyway regulation consists of a daily bag limit of four mallards, no more than two of which may be hens, and a season length of 60 days.

Service Response: The Service and Atlantic Flyway Council adopted an AHM protocol for eastern mallards in 2023 (88 FR 6054, January 30, 2023) whereby we set mallard hunting regulations in the Atlantic Flyway based on the status and demographics of these birds.

For the 2024–25 hunting season, we evaluated alternative harvest regulations for eastern mallards using: (1) A

management objective of 98 percent of maximum sustainable harvest; (2) the eastern mallard regulatory alternatives; and (3) current population model. Based on a liberal regulatory alternative for the 2023–24 season, and the 2023 survey estimate of 1.20 million eastern mallards (Federal WBPBS eastern survey area and AFBWS), the optimal regulation for the Atlantic Flyway is the liberal alternative. Therefore, we concur with the recommendation of the Atlantic Flyway Council regarding selection of the liberal alternative for the 2024–25 season.

4. Canada and Cackling Geese

B. Regular Seasons

Council Recommendations: The Atlantic Flyway Council recommended the moderate regulatory option as defined in the Council's harvest strategy for Atlantic Population (AP) Canada geese (30-day season with a daily bag limit of 3 geese in the Mid-Atlantic and New England Regions; 2 geese per day in the Chesapeake Region; 1 goose per day in North Carolina) in the AP Zones of the Atlantic Flyway. In addition, in Vermont, the Lake Champlain Zone of New York, and the AP Zones in Connecticut and Massachusetts, a special late season may be held in addition to the regular AP Canada goose season with a maximum daily bag limit of 5 geese. The Pacific Flyway Council recommended changing the season closing date for Canada and cackling geese (including brant except in California, Oregon and Washington) in the Pacific Flyway from January 31 to February 15.

Service Response: We agree with the Atlantic Flyway Council's recommendation to implement the moderate regulatory option as described in the Council's harvest strategy for AP Canada geese for the 2024–25 hunting season. The AP Canada goose is one of three populations of Canada geese managed in the Atlantic Flyway and has a long history of intensive management due to its importance to subsistence and sport hunters in Canada and the United States. In 2021, the Council adopted a harvest strategy to prescribe appropriate hunting regulations for AP Canada geese commensurate with the status of this population. The 2023 breeding population estimate for AP Canada geese is 115,000 pairs. Breeding habitat conditions appeared to be slightly improved in 2023 compared to 2022. Using the most current breeding population and habitat data, the model predicted the 2024 median number of breeding pairs is 147,500. The predicted August 2023 juvenile-to-adult age ratio

is 1.43 which is greater than the long-term (1997–2022) average of 1.28. The Council's AP Canada goose harvest strategy prescribes the moderate regulatory alternative when the model-predicted abundance for the out-year is between 125,000 and 160,000 pairs. The moderate regulatory option in the Council's harvest strategy for AP Canada geese is appropriate considering the current status of this population and habitat conditions.

We also agree with the Pacific Flyway Council's recommendation to change the season closing date for Canada and cackling geese (including brant except in California, Oregon and Washington) in the Pacific Flyway from January 31 to February 15. The Pacific Flyway Council adopted a management plan for the Pacific Flyway Population (PFP) of western Canada geese in 2023. The management plan includes a harvest strategy that prescribes season outside dates of Saturday nearest September 24 and February 15 when the 3-year average population index for PFP western Canada geese exceeds 200,000 birds. The most recent 3-year (2020, 2022, and 2023) average population estimate for PFP western Canada geese is 419,906, and is well (110 percent) above the Council's population objective. The extension of the closing date by about 2 weeks from the end of January to mid-February is expected to provide additional hunting opportunities, increase harvest, and help limit the continued growth of PFP western Canada geese. The basic season frameworks for Canada and cackling geese in the Pacific Flyway are generally based on the status of PFP western Canada geese. There are special restrictions geographically in the season frameworks to address concern for any of the other six subspecies of white-cheeked geese wintering in the Pacific Flyway, which are managed as separate populations. Brant are included in the season limits for Canada and cackling geese in interior States because brant generally do not occur in these areas.

5. White-Fronted Geese

Council Recommendations: The Central Flyway Council recommended the following season frameworks of dark geese (Canada geese, white-fronted geese, and all other geese except light geese) in west-tier States (Montana, Wyoming, Colorado, New Mexico, and the Western Goose Zone of Texas) of the Central Flyway: Outside dates Saturday nearest September 24 and Sunday nearest February 15; the season may be divided into two segments, except in Wyoming where the season may be divided into three segments; season

length 95 days in the Western Goose Zone of Texas and 107 days in the remainder of the west-tier States; the daily bag limit is five dark geese in the aggregate; and the possession limit is three times the daily bag limit.

Service Response: We agree with the Central Flyway Council's recommendation. The Council's recommendation is consistent with the management plan for the Midcontinent Population of greater white-fronted geese approved by the Pacific, Central, and Mississippi Flyway Councils. The only change to the frameworks is that the white-fronted goose daily bag limit in the Western Goose Zone of Texas is now in the aggregate with dark geese rather than a separate limit, and the daily bag limit is increased from two to five geese. This change is expected to simplify regulations in that the dark goose bag and possession limits are now the same for all west-tier States. Any possible additional harvest of greater white-fronted geese from this regulatory change would be negligible for the Central Flyway.

6. Brant

Council Recommendations: The Pacific Flyway Council recommended that the 2024–25 brant season frameworks be determined based on the harvest strategy in the Council's management plan for the Pacific population of brant pending results of the 2024 Winter Brant Survey (WBS). If results of the 2024 WBS are not available, results of the most recent WBS should be used.

Service Response: We agree with the Pacific Flyway Council's recommendation that the 2024–25 Pacific brant season framework be determined by the harvest strategy in the Council's management plan for the Pacific population of brant pending results of the 2024 WBS. As we discussed in the August 21, 2020, **Federal Register** (85 FR 51854), the harvest strategy used to determine the Pacific brant season frameworks does not fit well within the current regulatory process. In developing the annual proposed frameworks for Pacific brant, the Pacific Flyway Council and the Service use the 3-year average number of brant counted during the WBS in the Pacific Flyway to determine annual allowable season length and daily bag limits. The WBS is conducted each January, which is after the date that proposed frameworks are formulated in the regulatory process. However, the data are typically available by the expected publication of final frameworks. When we acquire the survey data, we will determine the

appropriate allowable harvest for the Pacific brant season according to the harvest strategy in the Pacific Flyway Council's management plan for the Pacific population of brant published in the August 21, 2020, **Federal Register** (85 FR 51854) and publish the results in the final frameworks rule.

8. Swans

Council Recommendations: The Pacific Flyway Council recommended increasing the number of swan hunting permits in Nevada from 650 to 750 and that the experimental swan hunting season in northern Idaho be granted operational status.

Service Response: We agree with the Pacific Flyway Council's recommendation to increase the number of swan hunting permits in Nevada from 650 to 750. The most recent 3-year (2021–2023) average population estimate for the Western Population of tundra swans is 97,709 and is 63 percent above the Council's population objective of 60,000 swans. The demand for swan hunting permits has exceeded the limit of 650 available in Nevada during the last 5 years. In 2022, swan permit sales transitioned from a first-come first-served process to an application-limited drawing process in which there were 817 applicants for 650 available permits. The mean annual participation rate over the past 5 years for Nevada swan permit holders was 63 percent, with a mean annual harvest of 200 swans; mean annual incidental trumpeter swan harvest was 1.7 trumpeter swans. The estimated annual increase in swan harvest in Nevada with 100 additional hunting permits is 30 swans. The estimated additional harvest of trumpeter swans would be negligible. The swan season in Nevada continues (28 years) to be compliant with environmental impact statements for the general swan season in the Pacific Flyway and the Service's outside limits for the general swan season in the Pacific Flyway including monitoring and mandatory hunter reporting of swan harvest for species identification. Increasing the number of swan hunting permits in Nevada would provide biologically appropriate additional hunting opportunity where there is apparent demand.

We also agree with the Pacific Flyway Council's recommendation to grant operational status to the swan hunting season in northern Idaho. Idaho completed a 3-year (2020–2022 hunting seasons) evaluation of the experimental swan hunting season. Fifty swan hunting permits were issued each year. Any hunter who harvested a swan was required, within 3 days of the date of

kill, to present the swan carcass at a check station for species identification and to complete a harvest report. After the season, any swan tag holder who did not complete a harvest report was sent a survey questionnaire in the mail and asked to report their hunting activity and harvest. The average annual compliance rate for swan permit holders in returning their hunter activity and harvest questionnaire was 90 percent (range = 84–93 percent). The estimated average hunter compliance in providing species-determinant parts of harvested swans for species identification was also 90 percent (range = 84–93 percent). The estimated average percentage of swan permit holders that actively hunted swans in Idaho was 69 percent (33 hunters). The estimated mean annual harvest was 11 tundra swans and 5 trumpeter swans (but was ≤2 during 2 of the 3 years). In 2018, the Service and Pacific Flyway Council evaluated the impact swan hunting has had on the Rocky Mountain Population (RMP) of trumpeter swans and demonstrated tundra swan hunting and trumpeter swan population restoration are compatible in the Pacific Flyway. Current swan harvest levels across all Pacific Flyway States are well within conservatively estimated acceptable limits for the Western Population of tundra swans and RMP trumpeter swans. Lastly, the swan season in Idaho is compliant with environmental impact statements for the general swan season in the Pacific Flyway and the Service's outside limits for the general swan season in the Pacific Flyway including monitoring and mandatory hunter reporting of swan harvest for species identification. No changes to the swan season in northern Idaho are being proposed at this time except the change in status from experimental to operational.

9. Sandhill Cranes

Council Recommendations: The Central and Pacific Flyway Councils recommended a minor expansion to the hunting areas for the Rocky Mountain Population (RMP) of sandhill cranes in Montana to include that portion of Stillwater County north of I–90. The Central and Pacific Flyway Councils also recommended that allowable harvest of the RMP sandhill cranes be determined based on the formula described in the Pacific and Central Flyway Councils' Management Plan for RMP cranes when the 2023 fall abundance and recruitment data become available.

Service Response: We agree with the Central and Pacific Flyway Councils' recommendation to expand the RMP

sandhill crane hunting areas in Montana to include that portion of Stillwater County north of I-90. This will be more restrictive in crane hunting opportunity overall in that it changes the applicable season frameworks for northern Stillwater County from those for the Midcontinent Population (MCP) of sandhill cranes (not limited by special hunting permit requirement) to those for RMP sandhill cranes (limited by special hunting permit requirement). The expanded RMP crane hunting areas are consistent with the Pacific and Central Flyway Council's RMP sandhill crane management plan hunting area requirements.

We also agree with the Central and Pacific Flyway Councils' recommendations to determine allowable harvest of RMP cranes using the formula in the Pacific and Central Flyway Councils' management plan for RMP cranes pending results of the fall 2023 abundance and recruitment surveys. As we discussed in the March 28, 2016, **Federal Register** (81 FR 17302), the harvest strategy used to calculate the allowable harvest of RMP cranes does not fit well within the current regulatory process. In developing the annual proposed frameworks for RMP cranes, the Flyway Councils and the Service use the fall abundance and recruitment surveys of RMP cranes to determine annual allowable harvest. Results of the fall abundance and recruitment surveys of RMP cranes are released between December 1 and January 31 each year, which is after the date proposed frameworks are developed. However, the data are typically available by the expected publication of final frameworks. When we acquire the survey data, we will determine the appropriate allowable harvest for the RMP crane season according to the harvest strategy in the Central and Pacific Flyway Councils' management plan for RMP cranes published in the March 28, 2016, **Federal Register** (81 FR 17302) and publish the results in the final frameworks rule.

16. Doves

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended adoption of the standard regulatory alternative as prescribed in the national mourning dove harvest strategy for their respective Mourning Dove Management Units. The standard regulatory alternative consists of a 90-day season and 15-bird daily bag limit for States within the Eastern and Central Management Units, and a 60-day season and 15-bird daily bag limit for States in

the Western Management Unit (WMU). Also, the Central Flyway Council recommended that the season length of 6 days for the special white-winged dove season in Texas (between September 1 and 19) be allowed to be split into three segments. The Pacific Flyway Council recommended allowing up to 10 white-winged doves in Arizona's daily bag limit during season days from November 1 through January 15.

Service Response: Based on the harvest strategies and current population status, we agree with the recommended selection of the standard season frameworks for doves in the Eastern, Central, and Western Management Units for the 2024–25 season.

We also agree with the Central Flyway Council's recommendation that the season length of 6 days for the special white-winged dove season in Texas be allowed to be split into three segments. As we discussed in the July 16, 2021, **Federal Register** (86 FR 37862), we agreed with the Central Flyway Council's recommendation to add 2 days to the existing 4 hunting days permitted in the special white-winged dove area in Texas, and to codify in Federal regulations that shooting hours for those 6 days will be from noon to sunset. The additional days allowed more opportunity and flexibility to hunters by providing 3-consecutive days of dove hunting (Friday–Sunday) each of the first 2 weekends in September. Anticipating that Texas would split the 6-day season into two 3-day segments, we codified into the season framework that the 6-day season may consist of two 3-consecutive-day periods. However, Texas officials have noted that in some years calendar dates would not allow for these 2 full weekends prior to September 14 and that they would prefer to have the hunting days before September 14 around weekends and holidays to maximize hunting opportunity and hunter participation. Thus, specifying that Texas may split the 6-day season into three segments would allow the State more flexibility in aligning the season with weekends and holidays to maximize hunting opportunity and hunter participation.

In the past, the Service stated concern about the effect of early September hunting on late-nesting mourning doves (see 86 FR 37862, July 16, 2021, and 76 FR 54056, August 30, 2011). We stated that abundances of mourning doves in the Central Management Unit have declined since 2008, and additional harvest associated with this change could exacerbate that trend. We encourage the State of Texas and the

Central Flyway Council to conduct appropriate monitoring of both mourning and white-winged doves that will inform adjustments to the dove harvest management strategy, if necessary, to maintain desired abundances of doves. Such efforts should include contemporary nesting ecology studies to determine the extent of nesting activity in September, various aspects of nesting ecology (e.g., nesting rate, clutch size, nest success), and exposure of nesting adults to harvest. We note that Texas continues to monitor mourning and white-winged dove harvest during the special white-winged dove season. The most recent harvest estimates indicate that mourning dove harvest has not increased with the addition of 2 days to the special white-winged dove season beginning with the 2021 season.

Finally, we also agree with the Pacific Flyway Council's recommendation to allow up to 10 white-winged doves in Arizona's daily bag limit during season days from November 1 through January 15. Within the WMU, most white-winged doves breed in Arizona. The Arizona spring call count survey indicates white-winged doves have increased in abundance considerably during the recent 10 years. Arizona is currently the only State in the WMU where the season frameworks do not allow take of white-winged doves during part of the dove season. Historically, white-winged doves migrated out of Arizona prior to November 1; however, in recent years, small numbers of white-winged doves have been present in the State during the late season. Allowing a limited take of white-winged doves during Arizona's late dove season would provide additional hunting opportunity where it is biologically appropriate, reduce the potential for a hunter to be cited for accidental harvest of white-winged doves during the dove season (i.e., species misidentification), and simplify frameworks for the dove season across the WMU. White-winged dove harvest would be limited to 10 within the 15-dove aggregate bag limit to be consistent with the frameworks for the dove season in California and during the early season in Arizona. The outside limits for the remainder of the WMU States is 15 mourning and white-winged doves in the aggregate. Because most white-winged doves have migrated south of Arizona before the late season, the additional harvest of white-winged doves is expected to be small. There is no expected significant increase in the harvest of mourning doves, but harvest could be reduced by any buffering effect

of white-winged dove harvest during the late season.

Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

We may post all comments in their entirety—including your personal identifying information—on <https://www.regulations.gov>. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preambles of any final rules.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the February 8, 2024, proposed rule (89 FR 8631), but we are clarifying two preliminary determinations as set forth below. For descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see our February 8, 2024, proposed rule (89 FR 8631):

- National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*);
- Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543);
- Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Congressional Review Act (5 U.S.C. 801 *et seq.*);
- Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*);
- Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*); and
- Executive Orders 12630, 12866 (as reaffirmed by E.O. 13563 and amended by E.O. 14094), 12988, and 13211.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated possible effects on federally recognized Indian Tribes with respect to impacts to Tribes' treaty rights to hunt waterfowl, and we have determined that there are de minimis effects on Indian Tribes for that aspect of their treaty rights. Through this process to establish annual hunting regulations, we regularly coordinate with Tribes that are affected by this proposed rulemaking action. This proposed rule will not 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. This rule is general in nature and does not directly affect any specific Tribal lands, treaty rights, or Tribal trust resources. In addition, this proposed rule would not interfere with the ability of Tribes to manage themselves or their funds or to regulate migratory bird activities on Tribal lands. We recognize that, in certain cases, conflicts may arise between States and specific Tribes on aspects of other Tribal treaty rights. The Service actively supports the parties reaching a mutually agreeable solution to such conflicts. Therefore, we preliminarily conclude that this proposed rule does not have "Tribal implications" under section 1(a) of E.O. 13175 with respect to waterfowl treaty rights. Thus, formal government-to-government consultation is not required by E.O. 13175 and related policies of the Department of the Interior. We will continue to collaborate with Tribes on concerns related to migratory bird hunting regulations.

Federalism Effects—Executive Order 13132

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the MBTA. We annually prescribe frameworks from which the States make

selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. We recognize that, in certain cases, conflicts may arise between States and specific Tribes on aspects of other Tribal treaty rights. The Service actively supports the parties reaching a mutually agreeable solution to such conflicts.

Any State or Tribe may be more restrictive in its regulations than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. This proposed 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. Therefore, in accordance with E.O. 13132, these proposed regulations do not have federalism implications and do not warrant the preparation of a federalism summary impact statement.

Authority

The rules that eventually will be promulgated for the 2024–25 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulatory Frameworks for 2024–25 Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior is proposing the following frameworks for outside dates, season lengths, shooting hours, bag and possession limits, and areas within which States may select seasons for hunting migratory game birds between the dates of September 1, 2024, and March 10, 2025. These frameworks are summarized below.

General

Outside Dates: Outside dates are the earliest and latest dates within which States may establish hunting seasons. All outside dates specified below are inclusive.

Season Lengths: Season lengths are the maximum number of days hunting may occur within the outside dates for hunting seasons. Days are consecutive and concurrent for all species included in each season framework unless otherwise specified.

Season Segments: Season segments are the maximum number of consecutive-day segments into which the season lengths may be divided. The sum of the hunting days for all season segments may not exceed the season lengths allowed.

Zones: Unless otherwise specified, States may select hunting seasons by zones. Zones for duck seasons (and associated youth and veterans-active military waterfowl hunting days, gallinule seasons, and snipe seasons) and dove seasons may be selected only in years we declare such changes can be made (*i.e.*, open seasons for zones and splits) and according to federally established guidelines for duck and dove zones and split seasons.

Area, Zone, and Unit Descriptions: Areas open to hunting must be described, delineated, and designated as such in each State's hunting regulations, and, except for early teal seasons, these areas must also be published in the **Federal Register** as a Federal migratory bird hunting frameworks final rule. Geographic descriptions related to regulations are contained in a later portion of this document.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are three times the daily bag limits.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by hunters, or both. In such cases, the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee

when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

Flyways and Management Units

We generally set migratory bird hunting frameworks for the conterminous United States by Flyway or Management Unit/Region. Frameworks for Alaska, Hawaii, Puerto Rico, and the Virgin Islands are contained in separate sections near the end of the frameworks portion of this document. The States included in the Flyways and Management Units/Regions are described below.

Waterfowl Flyways

Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway: Includes Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Mallard Management Units

High Plains Management Unit: Roughly defined as that portion of the Central Flyway that lies west of the 100th meridian. See Area, Unit, and Zone Descriptions, *Ducks (Including Mergansers) and Coots*, below, for specific boundaries in each State.

Columbia Basin Management Unit: In Washington, all areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County; and in Oregon, the counties of Gilliam, Morrow, and Umatilla.

Mourning Dove Management Units

Eastern Management Unit: All States east of the Mississippi River, and Louisiana.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region: Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Definitions

For the purpose of the hunting season frameworks listed below, the collective terms "dark" and "light" geese include the following species:

Dark geese: Canada geese, cackling geese, white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species except light geese.

Light geese: Snow (including blue) geese and Ross's geese.

Migratory Game Bird Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, and Pennsylvania, if Sunday hunting of migratory birds is prohibited statewide by State law or regulation, all Sundays are closed to the take of all migratory game birds. For these States where Sunday hunting is prohibited statewide by State law or regulation, the State may extend their hunting season length beyond the framework season length for any migratory game bird by one day for each Sunday included in the State's regular hunting season. Total season days must be within the season framework outside dates; season days must be consecutive except as provided in framework split-season provisions; and total season length (including extended falconry and other special seasons) must not exceed 107 days.

Season Frameworks

Special Youth and Veterans—Active Military Personnel Waterfowl Hunting Days

Outside Dates and Season Lengths: States may select 2 days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” and 2 days per duck-hunting zone, designated as “Veterans and Active Military Personnel Waterfowl Hunting Days,” in addition to their regular duck seasons. The days may be held concurrently or may be nonconsecutive. The Youth Waterfowl Hunting Days must be held outside any regular duck season on weekends, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. Both sets of days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, swans, mergansers, coots, and gallinules. Bag limits are the same as those allowed in the regular season except in States that implement a hybrid season for scaup (*i.e.*, different bag limits during different portions of the season), in which case the bag limit will be 2 scaup per day. Flyway species and area restrictions would remain in effect.

Participation Restrictions for Youth Waterfowl Hunting Days: States may use their established definition of age for youth hunters. However, youth hunters must be under the age of 18. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Swans may be taken only by participants possessing applicable swan permits.

Participation Restrictions for Veterans and Active Military Personnel Waterfowl Hunting Days: Veterans (as defined in section 101 of title 38, United States Code) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. Swans may be taken only by participants possessing applicable swan permits.

Special Early Teal Seasons

Areas:

Atlantic Flyway: Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio,

Tennessee, and Wisconsin. The season in Minnesota is experimental.

Central Flyway: Colorado (part), Kansas, Nebraska, New Mexico (part), Oklahoma, and Texas.

Outside Dates: September 1–30.

Season Lengths: 16 days.

Daily Bag Limits: 6 teal.

Shooting Hours: One-half hour before sunrise to sunset, except in the States of Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, South Carolina, and Wisconsin, where the hours are from sunrise to sunset.

Special Early Teal–Wood Duck Seasons

Areas: Florida, Kentucky, and Tennessee.

Seasons: In lieu of a special early teal season, a 5-consecutive-day teal–wood duck season may be selected in September. The daily bag limit may not exceed 6 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks. In addition, a 4-consecutive-day teal-only season may be selected in September either immediately before or immediately after the 5-day teal–wood duck season. The daily bag limit is 6 teal.

Duck, Merganser, Coot, and Goose Seasons

Atlantic Flyway

Duck, Merganser, and Coot Seasons

Outside Dates: Saturday nearest September 24 (September 21)–January 31.

Season Lengths and Daily Bag Limits: 60 days. The daily bag limit is 6 ducks, including no more than 4 mallards (no more than 2 of which can be female), 2 black ducks, 1 pintail, 1 mottled duck, 1 fulvous whistling duck, 3 wood ducks, 2 redheads, 2 canvasbacks, and 4 sea ducks (including no more than 3 scoters, 3 long-tailed ducks, or 3 eiders and no more than 1 female eider). The season for scaup may be split into 2 segments, with one segment consisting of 40 consecutive days with a 1-scaup daily bag limit, and the second segment consisting of 20 consecutive days with a 2-scaup daily bag limit. The daily bag limit of mergansers is 5. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit. The daily bag limit of coots is 15.

Closed Seasons: There is no open season on the harlequin duck.

Zones and Split Seasons: Delaware, Florida, Georgia, Rhode Island, South Carolina, and West Virginia may split their seasons into 3 segments. Maine, Massachusetts, New Hampshire, New Jersey, and Vermont may select seasons in each of 3 zones; Pennsylvania may

select seasons in each of 4 zones; New York may select seasons in each of 5 zones; and all these States may split their season in each zone into 2 segments. Connecticut, Maryland, North Carolina, and Virginia may select seasons in each of 2 zones; and all these States may split their season in each zone into 3 segments. Connecticut, Maryland, North Carolina, and Virginia must conduct an evaluation of the impacts of zones and splits on hunter dynamics (*e.g.*, hunter numbers, satisfaction) and harvest during the 2021–25 seasons.

Other Provisions: The seasons, limits, and shooting hours should be the same between New York’s Lake Champlain Zone and Vermont’s Lake Champlain Zone, and between Vermont’s Connecticut River Zone and New Hampshire’s Inland Zone.

A craft under power may be used to shoot and retrieve dead or crippled birds in the Sea Duck Area in the Atlantic Flyway. The Sea Duck Area includes all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in New Jersey, all coastal waters seaward from the International Regulations for Preventing Collisions at Sea (COLREGS) Demarcation Lines shown on National Oceanic and Atmospheric Administration (NOAA) Nautical Charts and further described in 33 CFR 80.165, 80.501, 80.502, and 80.503; in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in South Carolina and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina. In Virginia, the Sea Duck Area includes all ocean waters of Virginia, the tidal waters of Northampton and Accomack Counties up to the first highway bridge, and the Chesapeake Bay and each of its tributaries up to the first highway bridge; Back Bay and its tributaries are not included in the Sea Duck Area. The Sea Duck Area in each State must be described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

Special Early Canada and Cackling Goose Seasons

Outside Dates and Season Lengths: 15 days during September 1–15 in the Eastern Unit of Maryland; 30 days

during September 1–30 in Connecticut, Florida, Georgia, New Jersey, Long Island Zone of New York, North Carolina, Rhode Island, and South Carolina; and 25 days during September 1–25 in the remainder of the Atlantic Flyway.

Daily Bag Limits: 15 geese in the aggregate.

Shooting Hours: One-half hour before sunrise to sunset, except that during any special early Canada and cackling goose season, shooting hours may extend to one-half hour after sunset if all other

waterfowl seasons are closed in the specific applicable area.

Dark Goose Seasons

Outside Dates, Season Lengths, and Daily Bag Limits: Regulations are State and zone specific as provided below.

Area	Outside dates	Season length	Daily bag limit	Season segments
<i>Connecticut:</i>				
Atlantic Population (AP) Zone	Oct 10–Feb 5	30	3	2
AP Zone Late Season Area (Special season)	Dec 15–Feb 15	54	5	1
North Atlantic Population (NAP) Zone	Oct 1–Jan 31	60	2	2
NAP Late Season Area (Special season)	Jan 15–Feb 15	28	5	1
Resident Population (RP) Zone	Oct 1–Feb 15	80	5	3
<i>Delaware:</i>				
Nov 15–Feb 5	Nov 15–Feb 5	30	2	2
<i>Florida:</i>				
Oct 1–Mar 10	Oct 1–Mar 10	80	5	3
<i>Georgia:</i>				
Oct 1–Mar 10	Oct 1–Mar 10	80	5	3
<i>Maine:</i>				
North NAP High Harvest Zone	Oct 1–Jan 31	60	2	2
South NAP High Harvest Zone	Oct 1–Jan 31	60	2	2
Coastal NAP Low Harvest Zone	Oct 1–Feb 15	70	3	2
<i>Maryland:</i>				
AP Zone	Nov 15–Feb 5	30	2	2
RP Zone	Nov 15–Mar 10	80	5	3
<i>Massachusetts:</i>				
AP Zone	Oct 10–Feb 5	30	3	2
AP Zone Late Season Area (Special season)	Dec 15–Feb 15	54	5	1
NAP Zone	Oct 1–Jan 31	60	2	2
NAP Late Season Area (Special season)	Jan 15–Feb 15	28	5	1
<i>New Hampshire:</i>				
Oct 1–Jan 31	Oct 1–Jan 31	60	2	2
<i>New Jersey:</i>				
AP Zone	Fourth Saturday in Oct (26)–Feb 5	30	3	2
NAP Zone	Oct 1–Jan 31	60	2	2
Special Late Season Area (Special season)	Jan 15–Feb 15	28	5	1
<i>New York:</i>				
AP Zone	Fourth Saturday in Oct (26)–Feb 5	30	3	2
AP (Lake Champlain) Zone	Oct 10–Feb 5	30	3	2
NAP High Harvest Zone	Oct 1–Jan 31	60	2	2
NAP Low Harvest Zone	Oct 1–Feb 15	70	3	2
Western Long Island RP Zone	Saturday nearest Sep 24 (21)–last day of Feb (28).	107	8	3
Remainder of RP Zone	Fourth Saturday in Oct (26)–last day of Feb (28).	80	5	3
AP (Lake Champlain) Zone Late Season (Special season).	Dec 1–Feb 15	77	5	1
<i>North Carolina:</i>				
Northeast Zone	Saturday prior to Dec 25 (22)–Jan 31	30	1	1
RP Zone	Oct 1–Mar 10	80	5	3
<i>Pennsylvania:</i>				
AP Zone	Fourth Saturday in Oct (26)–Feb 5	30	3	2
RP Zone	Fourth Saturday in Oct (26)–Mar 10	80	5	3
<i>Rhode Island:</i>				
Statewide	Oct 1–Jan 31	60	2	2
Late Season Area (Special season)	Jan 15–Feb 15	32	5	2
<i>South Carolina:</i>				
Oct 1–Mar 10	Oct 1–Mar 10	80	5	3
<i>Vermont:</i>				
Connecticut River Zone	Oct 1–Jan 31	60	2	2
Interior Zone	Oct 10–Feb 5	30	3	2
Lake Champlain Zone	Oct 10–Feb 5	30	3	2
Interior, and Lake Champlain Zones Late Season (Special Season).	Dec 1–Feb 15	77	5	1
<i>Virginia:</i>				
AP Zone	Nov 15–Feb 5	30	2	2
RP Zone	Nov 15–Mar 10	80	5	3
<i>West Virginia:</i>				
Oct 1–Mar 10	Oct 1–Mar 10	80	5	3

Light Goose Seasons

Outside Dates: October 1–March 10.

Season Lengths: 107 days. Seasons may be split into 3 segments.

Daily Bag Limits: 25 light geese. There is no possession limit.

Brant Seasons

Outside Dates: Saturday nearest September 24 (September 21)–January 31.

Season Lengths: 30 days. Seasons may be split into 2 segments.

Daily Bag Limits: 1 brant.

Mississippi Flyway**Duck, Merganser, and Coot Seasons**

Outside Dates: Saturday nearest September 24 (September 21)–January 31.

Season Lengths and Daily Bag Limits: 60 days. The daily bag limit is 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 2 black ducks, 1 pintail, 3 wood ducks, 2 canvasbacks, and 2 redheads. In Louisiana (the only high-harvest State in the Mississippi Flyway for mottled ducks), the daily bag limit for mottled ducks is zero for the first 15 days. The season for scaup may be split into 2 segments, with one segment consisting of 45 days with a 2-scaup daily bag limit, and the second segment consisting of 15 days with a 1-scaup daily bag limit. The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers. The daily bag limit of coots is 15.

Zones and Split Seasons: Alabama, Arkansas, and Mississippi may split their seasons into 3 segments. Kentucky and Tennessee may select seasons in each of 2 zones; Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin may select seasons in each of 3 zones; and all these States may split their season in each zone into 2 segments. Illinois may select seasons in each of 4 zones. Louisiana may select seasons in each of 2 zones and may split their season in each zone into 3 segments. Louisiana must conduct an evaluation of the impacts of zones and splits on hunter dynamics (e.g., hunter numbers, satisfaction) and harvest during the 2021–25 seasons.

Canada and Cackling Goose Seasons

Outside Dates: September 1–February 15.

Season Lengths: 107 days, which may be split into 4 segments.

Daily Bag Limits: 5 geese in the aggregate.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset for Canada and cackling geese if all other waterfowl and crane seasons are closed in the specific applicable area.

White-Fronted Goose Seasons

Outside Dates: September 1–February 15.

Season Lengths and Daily Bag Limits: 74 days with a daily bag limit of 3 geese, 88 days with a daily bag limit of 2 geese, or 107 days with a daily bag limit of 1 goose. Seasons may be split into 4 segments.

Brant Seasons

Outside Dates: September 1–February 15.

Season Lengths and Daily Bag Limits: 70 days with a daily bag limit of 2 brant or 107 days with a daily bag limit of 1 brant. Seasons may be split into 4 segments.

Other Provisions: In lieu of a separate brant season, brant may be included in the season for Canada and cackling geese with a daily bag limit of 5 geese in the aggregate.

Dark Goose Seasons

Areas: Alabama, Iowa, Indiana, Michigan, Minnesota, Ohio, and Wisconsin in lieu of separate seasons for Canada and cackling geese, white-fronted geese, and brant.

Outside Dates: September 1–February 15.

Season Lengths: 107 days, which may be split into 4 segments.

Daily Bag Limits: 5 geese in the aggregate.

Light Goose Seasons

Outside Dates: September 1–February 15.

Season Lengths: 107 days, which may be split into 4 segments.

Daily Bag and Possession Limits: The daily bag limit is 20 geese. There is no possession limit for light geese.

Central Flyway**Ducks, Merganser, and Coot Seasons**

Outside Dates: Saturday nearest September 24 (September 21)–January 31.

Season Lengths and Duck Daily Bag Limits: 74 days, except in the High Plains Mallard Management Unit where the season length is 97 days and the last 23 days must be consecutive and may start no earlier than the Saturday nearest December 10 (December 7). The daily bag limit is 6 ducks and mergansers in the aggregate, including no more than 5 mallards (no more than 2 of which may

be females), 2 redheads, 3 wood ducks, 1 pintail, 1 scaup, and 2 canvasbacks. In Texas, the daily bag limit on mottled ducks is 1, except that no mottled ducks may be taken during the first 5 days of the season. In addition to the daily limits listed above, the States of Montana, North Dakota, South Dakota, and Wyoming, in lieu of selecting an experimental September teal season, may include an additional daily bag and possession limit of 2 and 6 blue-winged teal, respectively, during the first 16 days of the regular duck season in each respective duck hunting zone. These extra limits are in addition to the regular duck bag and possession limits.

Coot Daily Bag Limits: 15 coots.

Zones and Split Seasons: Colorado, Kansas (Low Plains portion), Montana, Nebraska, New Mexico, Oklahoma (Low Plains portion), South Dakota (Low Plains portion), Texas (Low Plains portion), and Wyoming may select hunting seasons by zones.

North Dakota may split their season into 3 segments. Montana, New Mexico, Oklahoma, and Texas may select seasons in each of 2 zones; and Colorado, Kansas, South Dakota, and Wyoming may select seasons in each of 3 zones; and all these States may split their season in each zone into 2 segments. Nebraska may select seasons in each of 4 zones.

Special Early Canada and Cackling Goose Seasons

Outside Dates and Seasons Lengths: In Kansas, Nebraska, Oklahoma, South Dakota, and Texas, 30 days between September 1–30; in Colorado, New Mexico, Montana, and Wyoming, Canada and cackling goose seasons of not more than 15 days between September 1–15; and in North Dakota, 22 days between September 1–22.

Daily Bag Limits: 5 geese in the aggregate in Colorado, New Mexico, Montana, Wyoming, and Texas; 8 geese in the aggregate in Kansas, Nebraska, and Oklahoma; and 15 geese in the aggregate in North Dakota and South Dakota.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Canada Goose, Cackling Goose, and Brant Seasons

Outside Dates: Saturday nearest September 24 (September 21)–the Sunday nearest February 15 (February 16).

Seasons and Daily Bag Limits: In Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and the Eastern Goose Zone of Texas, 107 days with a daily bag limit of 8 geese; in Colorado, Montana, New Mexico, and Wyoming, 107 days with a daily bag limit of 5 geese; and in Texas (Western Goose Zone), 95 days with a daily bag limit of 5 geese.

Split Seasons: Seasons may be split into 3 segments. Three-segment seasons require Central Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation by each participating State.

White-Fronted Goose Seasons

Outside Dates: Saturday nearest September 24 (September 21)–the Sunday nearest February 15 (February 16).

Season Length and Daily Bag Limits: East-tier States (Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas except for the Western Goose Zone): Either 74 days with a daily bag limit of 3 geese, or 88 days with a daily bag limit of 2 geese, or 107 days with a daily bag limit of 1 goose.

West-tier States (Colorado, Montana, New Mexico, Wyoming, and the Western Goose Zone of Texas): 107 days, except 95 days in the Western Goose Zone of Texas. The daily bag limit is 5 dark geese in the aggregate.

Split Seasons: Seasons may be split into 3 segments. Three-segment seasons require Central Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation by each participating State.

Light Goose Seasons

Outside Dates: Saturday nearest September 24 (September 21)–March 10. *Season Lengths:* 107 days. Seasons may be split into 3 segments.

Daily Bag and Possession Limits: The daily bag limit is 50 with no possession limit.

Other Provisions: In the Rainwater Basin Light Goose Area (East and West) of Nebraska, temporal and spatial restrictions that are consistent with the late-winter snow goose hunting strategy cooperatively developed by the Central Flyway Council and the Service are required.

Pacific Flyway

a. Duck, Merganser, Coot, and Gallinule Seasons

Outside Dates: Saturday nearest September 24 (September 21)–January 31.

Season Lengths and Daily Bag Limits: 107 days. The daily bag limit is 7 ducks

and mergansers in the aggregate, including no more than 2 female mallards, 1 pintail, 2 canvasbacks, 2 scaup, and 2 redheads. For scaup, the season length is 86 days, which may be split according to applicable zones and split duck hunting configurations approved for each State. The daily bag limit of coots and gallinules is 25 in the aggregate.

Zones and Split Seasons: Montana and New Mexico may split their seasons into 3 segments. Arizona, Colorado, Oregon, Utah, Washington, and Wyoming may select seasons in each of 2 zones; Nevada may select seasons in each of 3 zones; California may select seasons in each of 5 zones; and all these States may split their season in each zone into 2 segments. Idaho may select seasons in each of 4 zones.

Other Provisions: The seasons, limits, and shooting hours should be the same between the Colorado River Zone of California and the South Zone of Arizona.

Goose Seasons

Special Early Canada and Cackling Goose Seasons

Outside Dates: September 1–20.

Season Lengths: 15 days.

Daily Bag Limits: 5 geese in the aggregate, except in Pacific County, Washington, where the daily bag limit is 15 geese in the aggregate.

Canada Goose, Cackling Goose, and Brant Seasons

Outside Dates: Except as subsequently provided, Saturday nearest September 24 (September 21)–February 15.

Season Lengths: Except as subsequently provided, 107 days.

Daily Bag Limits: Except as subsequently provided, in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, the daily bag limit is 5 Canada and cackling geese and brant in the aggregate. In Oregon and Washington, the daily bag limit is 4 Canada and cackling geese in the aggregate. In California, the daily bag limit is 10 Canada and cackling geese in the aggregate.

Split Seasons: Seasons may be split into 3 segments. Three-segment seasons require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

Other provisions:

California: In the Balance of State Zone, outside dates are Saturday nearest September 24 (September 21) and March 10. The season may be split into 3 segments. In the Balance of State Zone, North Coast Special Management

Area, hunting days that occur after January 31 should be concurrent with Oregon's South Coast Zone.

Oregon: In the Northwest Permit Zone, outside dates are the Saturday nearest September 24 (September 21) and March 10. The daily bag limit is 3 geese in the aggregate. The season may be split into 3 segments. In the South Coast Zone, outside dates are the Saturday nearest September 24 (September 21) and March 10. The daily bag limit is 6 geese in the aggregate. The season may be split into 3 segments. Hunting days that occur after January 31 should be concurrent with California's Balance of State Zone, North Coast Special Management Area.

Washington: In Areas 2 Inland and 2 Coastal (Southwest Permit Zone), outside dates are the Saturday nearest September 24 (September 21) and March 10. The daily bag limit is 3 geese in the aggregate. The season may be split into 3 segments. In Area 4, the season may be split into 3 segments.

Permit Zones: In Oregon and Washington permit zones, the hunting season is closed on dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value 5 or less) with a bill length between 40 and 50 millimeters. Hunting is by State-issued permit only. Shooting hours for geese may begin no earlier than sunrise. Regular Canada and cackling goose seasons in the permit zones of Oregon and Washington remain subject to the Memorandum of Understanding entered into with the Service regarding monitoring the impacts of take during the regular Canada and cackling goose season on the dusky Canada goose population.

Brant Seasons

Areas: California, Oregon, and Washington.

Outside Dates: Saturday nearest September 24 (September 21)–January 31.

Season Lengths and Daily Bag Limits: Season lengths and daily bag limits will be determined based on the upcoming Winter Brant Survey results and the Pacific brant harvest strategy.

Zones: Washington and California may select seasons in each of 2 zones.

Other Provisions: In Oregon and California, the brant season must end no later than December 15.

White-Fronted Goose Seasons

Outside Dates: Saturday nearest September 24 (September 21)–March 10.

Season Lengths: 107 days.

Daily Bag Limits: Except as subsequently provided, 10 geese.

Split Seasons: Seasons may be split into 3 segments. Three-segment seasons require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

Other Provisions:

California: In the Balance of State Zone, Sacramento Valley Special Management Area, the season must end on or before December 28, and the daily bag limit is 3 white-fronted geese. In the Balance of State Zone, North Coast Special Management Area, hunting days that occur after January 31 should be concurrent with Oregon's South Coast Zone. In the Northeastern Zone, the season may be split into 3 segments.

Oregon: In the Eastern Zone, for Lake County only, the daily bag limit is 1 white-fronted goose. In the Northwest Permit Zone and South Coast Zone, the seasons may be split into 3 segments. Hunting days that occur after January 31 should be concurrent with California's Balance of State Zone, North Coast Special Management Area.

Washington: In Areas 2 Inland and 2 Coastal (Southwest Permit Zone) and Area 4, seasons may be split into 3 segments.

Light Goose Seasons

Outside Dates: Saturday nearest September 24 (September 21)–March 10.

Season Lengths: 107 days. Seasons may be split into 3 segments.

Daily Bag Limits: 20 geese, except in Washington where the daily bag limit for light geese is 10 on or before the last Sunday in January (January 28).

Swan Seasons

Pacific Flyway

Areas: Idaho, Montana, Nevada, and Utah.

Outside Dates: Saturday nearest September 24 (September 21)–January 31.

Season Lengths: 107 days. Seasons may be split into 2 segments.

Permits: Hunting is by State-issued permit only. The total number of permits issued may not exceed 50 in Idaho, 500 in Montana, 750 in Nevada, and 2,750 in Utah. Permits will authorize the take of no more than 1 swan per permit. Only 1 permit may be issued per hunter in Idaho, Montana, and Utah; 2 permits may be issued per hunter in Nevada.

Quotas: The swan season in the respective State must end upon attainment of the following reported harvest of trumpeter swans: 20 in Utah and 10 in Nevada. There is no quota in Idaho and Montana.

Monitoring: Each State must evaluate hunter participation, species-specific

swan harvest, and hunter compliance in providing either species-determinant parts (at least the intact head) or bill measurements (bill length from tip to posterior edge of the nares opening, and presence or absence of yellow lore spots on the bill in front of the eyes) of harvested swans for species identification. Each State should use appropriate measures to maximize hunter compliance with the State's program for swan harvest reporting. Each State must achieve a hunter compliance of at least 80 percent in providing species-determinant parts or bill measurements of harvested swans for species identification, or subsequent permits will be reduced by 10 percent in the respective State. Each State must provide to the Service by June 30 following the swan season a report detailing hunter participation, species-specific swan harvest, and hunter compliance in reporting harvest. In Idaho and Montana, all hunters that harvest a swan must complete and submit a reporting card (bill card) with the bill measurement and color information from the harvested swan within 72 hours of harvest for species determination. In Utah and Nevada, all hunters that harvest a swan must have the swan or species-determinant parts examined by a State or Federal biologist within 72 hours of harvest for species determination.

Other Provisions: In Utah, the season is subject to the terms of the Memorandum of Agreement entered into with the Service in January 2019 regarding harvest monitoring, season closure procedures, and education requirements to minimize take of trumpeter swans during the swan season.

Atlantic and Central Flyways

Areas: Delaware, North Carolina, and Virginia in the Atlantic Flyway and North Dakota, South Dakota east of the Missouri River, and part of Montana in the Central Flyway.

Outside Dates: October 1–January 31 in the Atlantic Flyway and the Saturday nearest October 1 (September 28)–January 31 in the Central Flyway.

Season Lengths: 90 days in the Atlantic Flyway and 107 days in the Central Flyway.

Permits: Hunting is by permit only. Permits will be issued by the States. No more than 5,600 permits may be issued in the Atlantic Flyway including 347 in Delaware; 4,721 in North Carolina; and 532 in Virginia. No more than 4,000 permits may be issued in the Central Flyway including 500 in Montana; 2,200 in North Dakota; and 1,300 in South Dakota. Permits will authorize the take

of no more than 1 swan per permit. A second permit may be issued to hunters from unissued permits remaining after the first drawing. Unissued permits may be reallocated to States within a flyway.

Monitoring: Each State must evaluate hunter participation, species-specific swan harvest, and hunter compliance in providing measurements of harvested swans for species identification. Each State should use appropriate measures to maximize hunter compliance with the State's program for swan harvest reporting. Each State must achieve a hunter compliance of at least 80 percent in providing species-determinant measurements of harvested swans for species identification. Each State must provide to the Service by June 30 following the swan season a report detailing hunter participation, species-specific swan harvest, and hunter compliance in reporting harvest.

Other Provisions: In lieu of a general swan hunting season, States may select a season only for tundra swans. States selecting a season only for tundra swans must obtain harvest and hunter participation data.

Sandhill Crane Seasons

Mississippi Flyway

Areas: Alabama, Kentucky, Minnesota, and Tennessee.

Outside Dates: September 1–February 28 in Minnesota, and September 1–January 31 in Alabama, Kentucky, and Tennessee.

Season Lengths: 37 days in the designated portion of Minnesota's Northwest Goose Zone, and 60 days in Alabama, Kentucky, and Tennessee.

Daily Bag and Possession Limits: The daily bag limit is 2 cranes in Minnesota and Kentucky, and 3 cranes in Alabama and Tennessee. In Alabama, Kentucky, and Tennessee, the seasonal bag limit is 3 cranes.

Permits: Hunting is by State-issued permit only.

Other Provisions: The number of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with Council management plans and approved by the Mississippi Flyway Council.

Central Flyway

Areas: Colorado, Kansas, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Outside Dates: September 1–February 28.

Season Lengths: 37 days in Texas (Zone C), 58 days in Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming, and 93 days in New Mexico, Oklahoma, and Texas.

Daily Bag Limits: 3 cranes, except 2 cranes in North Dakota (Area 2) and Texas (Zone C).

Permits: Hunting is by permit only. Permits will be issued by the States.

Central and Pacific Flyways

Areas: Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming within the range of the Rocky Mountain Population (RMP) of sandhill cranes.

Outside Dates: September 1–January 31.

Season Lengths: 60 days. The season may be split into 3 segments.

Daily Bag and Possession Limits: The daily bag limit is 3 cranes, and the possession limit is 9 cranes per season.

Permits: Hunting is by State-issued permit only.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with Councils' management plan and approved by the Central and Pacific Flyway Councils, with the following exceptions:

1. In Utah, 100 percent of the harvest will be assigned to the RMP crane quota;

2. In Arizona, monitoring the species composition of the harvest must be conducted at 3-year intervals unless 100 percent of the harvest will be assigned to the RMP crane quota;

3. In Idaho, 100 percent of the harvest will be assigned to the RMP crane quota; and

4. In the Estancia Valley hunt area of New Mexico, harvest and species composition must be monitored; greater sandhill cranes in the harvest will be assigned to the RMP crane quota.

Gallinule Seasons

Atlantic, Mississippi, and Central Flyways

Outside Dates: September 1–January 31.

Season Lengths: 70 days.

Daily Bag Limits: 15 gallinules.

Zones and Split Seasons: Seasons may be selected by zones established for duck hunting. The season in each zone may be split into 2 segments.

Pacific Flyway

States in the Pacific Flyway may select their hunting seasons between the outside dates for the season on ducks, mergansers, and coots; therefore, Pacific Flyway frameworks for gallinules are included with the duck, merganser, and coot frameworks.

Rail Seasons

Areas: Atlantic, Mississippi, and Central Flyways and the Pacific Flyway

Portions of Colorado, Montana, New Mexico, and Wyoming.

Outside Dates: September 1–January 31.

Season Lengths: 70 days. Seasons may be split into 2 segments.

Daily Bag Limits

Clapper and King Rails: In Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, 10 rails in the aggregate. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 15 rails in the aggregate.

Sora and Virginia Rails: 25 rails in the aggregate.

Snipe Seasons

Outside Dates: September 1–February 28, except in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia, where the season must end no later than January 31.

Season Lengths: 107 days.

Daily Bag limits: 8 snipe.

Zones and Split Seasons: Seasons may be selected by zones established for duck seasons. The season in each zone may be split into 2 segments.

American Woodcock Seasons

Areas: Eastern and Central Management Regions.

Outside Dates: September 13–January 31.

Season Lengths: Except as subsequently provided, 45 days.

Daily Bag Limits: 3 woodcock.

Zones and Split Seasons: Seasons may be split into 2 segments. New Jersey may select seasons in each of 2 zones. The season in each zone may not exceed 36 days.

Band-Tailed Pigeon Seasons

California, Oregon, Washington, and Nevada

Outside Dates: September 15–January 31.

1. *Seasons Lengths:* 9 days.

Daily Bag Limits: 2 pigeons.

Zones: California may select seasons in each of 2 zones. The season in each zone may not exceed 9 days. The season in the North Zone must close by October 3.

Arizona, Colorado, New Mexico, and Utah

Outside Dates: September 1–November 30.

Season Lengths: 14 days.

Daily Bag Limits: 2 pigeons.

Zones: New Mexico may select seasons in each of 2 zones. The season in each zone may not exceed 14 days.

The season in the South Zone may not open until October 1.

Dove Seasons

Eastern Management Unit

Outside Dates: September 1–January 31.

Season Lengths: 90 days.

Daily Bag Limits: 15 mourning and white-winged doves in the aggregate.

Zones and Split Seasons: Seasons may be split into 3 segments; Alabama, Louisiana, and Mississippi may select seasons in each of 2 zones and may split their season in each zone into 3 segments.

Central Management Unit

Outside Dates: September 1–January 15.

Season Lengths: 90 days.

All States Except Texas

Daily Bag Limits: 15 mourning and white-winged doves in the aggregate.

Zones and Split Seasons: Seasons may be split into 3 segments; New Mexico may select seasons in each of 2 zones and may split their season in each zone into 3 segments.

Texas

Daily Bag Limits: 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves.

Zones and Split Seasons: Texas may select hunting seasons for each of 3 zones subject to the following conditions:

1. The season may be split into 2 segments, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited take of mourning and white-tipped doves may also occur during that special season (see Special White-winged Dove Area in Texas, below).

2. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between September 14 and January 25.

Special White-Winged Dove Season in Texas

In addition, Texas may select a hunting season of not more than 6 days, which may be split into 3 segments, for the Special White-winged Dove Area between September 1 and 19. The daily bag limit may not exceed 15 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 2 may be mourning doves and no more than 2 may be white-tipped doves. Shooting hours are from noon to sunset.

Western Management Unit

Outside Dates: September 1–January 15.

Idaho, Nevada, Oregon, Utah, and Washington

Season Lengths: 60 days.

Daily Bag Limits: 15 mourning and white-winged doves in the aggregate.

Zones and Split Seasons: Idaho, Nevada, Utah, and Washington may split their seasons into 2 segments. Oregon may select hunting seasons in each of 2 zones and may split their season in each zone into 2 segments.

Arizona and California

Season Lengths: 60 days, which may be split between 2 segments, September 1–15 and November 1–January 15.

Daily Bag Limits: The daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 may be white-winged doves.

Alaska

Duck, Goose, Sandhill Crane, and Snipe Seasons

Outside Dates: Except as subsequently provided, September 1–January 26.

Season Lengths: Except as subsequently provided, 107 days for ducks, geese (except brant), sandhill cranes, and snipe. The season length for brant will be determined based on the upcoming brant winter survey results and the Pacific brant harvest strategy.

Zones and Split Seasons: A season may be established in each of 5 zones. The season in the Southeast Zone may be split into 2 segments.

Closed Seasons: The hunting season is closed on the spectacled eider and Steller's eider.

Daily Bag and Possession Limits and Special Conditions

Ducks: The basic daily bag limit is 7 ducks. The basic daily bag limit in the North Zone is 10 ducks, and in the Gulf Coast Zone is 8 ducks. The basic daily bag limits may include 2 canvasbacks and may not include sea ducks.

In addition to the basic daily bag limits, the sea duck daily bag limit is 10, including 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common, hooded, and red-breasted mergansers.

Light Geese: The daily bag limit is 6 geese.

Canada and Cackling Geese: The daily bag limit is 4 Canada and cackling geese in the aggregate with the following exceptions, and subject to the following conditions:

1. In Game Management Units (Units) 5 and 6, in the Gulf Coast Zone, outside dates are September 28–December 16.

2. On Middleton Island in Unit 6, in the Gulf Coast Zone, all hunting is by permit only. Each hunter is required to complete a mandatory Canada and cackling goose identification class prior to being issued a permit. Hunters must check in and check out when hunting. The daily bag and possession limits are 1 goose. The season will close if incidental harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value 5 or less) with a bill length between 40 and 50 millimeters.

3. In Unit 10, in the Pribilof and Aleutian Islands Zone, the daily bag limit is 6 geese in the aggregate.

White-fronted Geese: The daily bag limit is 4 geese with the following exceptions:

1. In Unit 9, in the Gulf Coast Zone, Unit 10, in the Pribilof and Aleutian Islands Zone, and Unit 17, in the North Zone, the daily bag limit is 6 geese.

2. In Unit 18, in the North Zone, the daily bag limit is 10 geese.

Emperor Geese: The emperor goose season is subject to the following conditions:

1. All hunting is by permit only.

2. One goose may be harvested per hunter per season.

3. Total harvest may not exceed 500 geese.

4. In Unit 8, in the Kodiak Zone, the Kodiak Island Road Area is closed to hunting. The Kodiak Island Road Area consists of all lands and water (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Marine waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest, for example: Woody, Long, Gull, and Puffin islands.

Brant: The daily bag limit will be determined based on the upcoming Winter Brant Survey results and the Pacific brant harvest strategy.

Snipe: The daily bag limit is 8 snipe.

Sandhill Cranes: The daily bag limit is 2 cranes in the Southeast, Gulf Coast, Kodiak, and Pribilof and Aleutian Islands Zones, and Unit 17 in the North Zone. In the remainder of the North Zone (outside Unit 17), the daily bag limit is 3 cranes.

Tundra Swan Seasons

Outside Dates: September 1–October 31.

Season Lengths: 61 days.

Daily Bag and Possession Limits and Special Conditions: All hunting is by

permit only according to the following conditions.

1. In Unit 17, in the North Zone, 200 permits may be issued; 3 tundra swans may be authorized per permit, and 1 permit may be issued per hunter per season.

2. In Unit 18, in the North Zone, 500 permits may be issued; 3 tundra swans may be authorized per permit, and 1 permit may be issued per hunter per season.

3. In Unit 22, in the North Zone, 300 permits may be issued; 3 tundra swans may be authorized per permit, and 1 permit may be issued per hunter per season.

4. In Unit 23, in the North Zone, 300 permits may be issued; 3 tundra swans may be authorized per permit, and 1 permit may be issued per hunter per season.

Hawaii

Mourning Dove Seasons

Outside Dates: October 1–January 31.

Season Lengths and Daily Bag Limits: 65 days with a daily bag limit of 15 doves or 75 days with a daily bag of 12 doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Dove and Pigeon Seasons

Outside Dates: September 1–January 15.

Season Lengths: 60 days.

Daily Bag Limits: 30 Zenaida, mourning, and white-winged doves in the aggregate, of which 10 may be Zenaida doves and 3 may be mourning doves, and 5 scally-naped pigeons.

Closed Seasons: There is no open season on the white-crowned pigeon and the plain pigeon, which are protected by the Commonwealth of Puerto Rico.

Closed Areas: There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

Duck, Coot, Gallinule, and Snipe Seasons

Outside Dates: October 1–January 31.

Season Lengths: 55 days. The season may be split into 2 segments.

Daily Bag Limits: 6 ducks, 6 common gallinules, and 8 snipe.

Closed Seasons: There is no open season on the ruddy duck, white-cheeked pintail, West Indian whistling

duck, fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. There is no open season on the purple gallinule, American coot, and Caribbean coot.

Closed Areas: There is no open season on ducks, gallinules, and snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Dove and Pigeon Seasons

Outside Dates: September 1–January 15.

Season Lengths: 60 days.

Daily Bag and Possession Limits: 10 Zenaida doves.

Closed Seasons: There is no open season for ground-doves, quail-doves, and pigeons.

Closed Areas: There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

Local Names for Certain Birds:

Zenaida dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

Duck Seasons

Outside Dates: December 1–January 31.

Season Lengths: 55 days.

Daily Bag Limits: 6 ducks.

Closed Seasons: There is no open season on the ruddy duck, white-cheeked pintail, West Indian whistling-duck, fulvous whistling-duck, and masked duck.

Special Falconry Regulations

In accordance with 50 CFR 21.82, falconry is a permitted means of taking migratory game birds in any State except for Hawaii. States may select an extended season for taking migratory game birds in accordance with the following:

Outside Dates: September 1–March 10.

Season Lengths: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be split into 3 segments.

Daily Bag Limits: Falconry daily bag limits for all permitted migratory game birds must not exceed 3 birds in the aggregate during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in

each State, including those that do not select an extended falconry season.

Note: General hunting regulations, including seasons and hunting hours, apply to falconry. Regular season bag limits do not apply to falconry. The falconry bag limit is not in addition to shooting limits.

Area, Unit, and Zone Descriptions

Ducks (Including Mergansers) and Coots

Atlantic Flyway

Connecticut

North Zone: That portion of the State north of I–95.

South Zone: Remainder of the State.

Maine

North Zone: That portion north of the line extending east along Maine State Highway 110 from the New Hampshire–Maine State line to the intersection of Maine State Highway 11 in Newfield; then north and east along Route 11 to the intersection of U.S. Route 202 in Auburn; then north and east on Route 202 to the intersection of I–95 in Augusta; then north and east along I–95 to Route 15 in Bangor; then east along Route 15 to Route 9; then east along Route 9 to Stony Brook in Baileyville; then east along Stony Brook to the U.S. border.

Coastal Zone: That portion south of a line extending east from the Maine–New Brunswick border in Calais at the Route 1 Bridge; then south along Route 1 to the Maine–New Hampshire border in Kittery.

South Zone: Remainder of the State.

Maryland

Western Zone: Allegany, Carroll, Garrett, Frederick and Washington Counties; and those portions of Baltimore, Howard, Prince George's, and Montgomery Counties west of a line beginning at 2012;83 at the Pennsylvania State line, following 2012;83 south to the intersection of 2012;83 and 2012;695 (Outer Loop), south following 2012;695 (Outer Loop) to its intersection with 2012;95, south following 2012;95 to its intersection with 2012;495 (Outer Loop), and following 2012;495 (Outer Loop) to the Virginia shore of the Potomac River.

Eastern Zone: That portion of the State not included in the Western Zone.

Special Teal Season Area: Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles

County east of Route 301 to the Virginia State Line.

Massachusetts

Western Zone: That portion of the State west of a line extending south from the Vermont State line on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut State line.

Central Zone: That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire State line on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island State line; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center Street–Elm Street bridge shall be in the Coastal Zone.

Coastal Zone: That portion of Massachusetts east and south of the Central Zone.

New Hampshire

Northern Zone: That portion of the State east and north of the Inland Zone beginning at the Jct. of Route 10 and Route 25–A in Orford, east on Route 25–A to Route 25 in Wentworth, southeast on Route 25 to Exit 26 of Route I–93 in Plymouth, south on Route I–93 to Route 3 at Exit 24 of Route I–93 in Ashland, northeast on Route 3 to Route 113 in Holderness, north on Route 113 to Route 113–A in Sandwich, north on Route 113–A to Route 113 in Tamworth, east on Route 113 to Route 16 in Chocorua, north on Route 16 to Route 302 in Conway, east on Route 302 to the Maine–New Hampshire border.

Inland Zone: That portion of the State south and west of the Northern Zone, west of the Coastal Zone, and includes the area of Vermont and New Hampshire as described for hunting reciprocity. A person holding a New Hampshire hunting license that allows the taking of migratory waterfowl or a person holding a Vermont resident hunting license that allows the taking of migratory waterfowl may take migratory waterfowl and coots from the following designated area of the Inland Zone: the State of Vermont east of Route I–91 at the Massachusetts border, north on Route I–91 to Route 2, north on Route 2 to Route 102, north on Route 102 to Route 253, and north on Route 253 to the border with Canada and the area of New Hampshire west of Route 63 at the Massachusetts border, north on Route 63 to Route 12, north on Route 12 to Route 12–A, north on Route 12–A to

Route 10, north on Route 10 to Route 135, north on Route 135 to Route 3, north on Route 3 to the intersection with the Connecticut River.

Coastal Zone: That portion of the State east of a line beginning at the Maine–New Hampshire border in Rollinsford, then extending to Route 4 west to the city of Dover, south to the intersection of Route 108, south along Route 108 through Madbury, Durham, and Newmarket to the junction of Route 85 in Newfields, south to Route 101 in Exeter, east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts border.

New Jersey

Coastal Zone: That portion of the State seaward of a line beginning at the New York State line in Raritan Bay and extending west along the New York State line to NJ 440 at Perth Amboy; west on NJ 440 to the Garden State Parkway; south on the Garden State Parkway to NJ 109; south on NJ 109 to Cape May County Route 633 (Lafayette Street); south on Lafayette Street to Jackson Street; south on Jackson Street to the shoreline at Cape May; west along the shoreline of Cape May beach to COLREGS Demarcation Line 80.503 at Cape May Point; south along COLREGS Demarcation Line 80.503 to the Delaware State line in Delaware Bay.

North Zone: That portion of the State west of the Coastal Zone and north of a line extending west from the Garden State Parkway on NJ 70 to the New Jersey Turnpike, north on the turnpike to U.S. 206, north on U.S. 206 to U.S. 1 at Trenton, west on U.S. 1 to the Pennsylvania State line in the Delaware River.

South Zone: That portion of the State not within the North Zone or the Coastal Zone.

New York

Lake Champlain Zone: That area east and north of a continuous line extending along U.S. 11 from the New York–Canada International boundary south to NY 9B, south along NY 9B to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont State line.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to

I–81, and south along I–81 to the Pennsylvania State line.

Northeastern Zone: That area north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 31, east along NY 31 to NY 13, north along NY 13 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to NY 22, north along NY 22 to Washington County Route 153, east along CR 153 to the New York–Vermont boundary, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

North Carolina

Coastal Zone: All counties and portions of counties east of I–95.

Inland Zone: All counties and portions of counties west of I–95.

Pennsylvania

Lake Erie Zone: The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland but including all of Presque Isle Peninsula.

Northwest Zone: The area bounded on the north by the Lake Erie Zone and including all of Erie and Crawford Counties and those portions of Mercer and Venango Counties north of I–80.

North Zone: That portion of the State east of the Northwest Zone and north of a line extending east on I–80 to U.S. 220, Route 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.

South Zone: The remaining portion of Pennsylvania.

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to VT 78 at Swanton; VT 78 to VT 36; VT 36 to Maquam Bay on Lake Champlain; along and around the shoreline of Maquam Bay and Hog Island to VT 78 at the West Swanton Bridge; VT 78 to VT 2 in Alburg; VT 2 to the Richelieu River in Alburg; along the east shore of the Richelieu River to the Canadian border.

Interior Zone: That portion of Vermont east of the Lake Champlain Zone and west of a line extending from the Massachusetts border at I–91; north along I–91 to U.S. 2; east along U.S. 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone: The remaining portion of Vermont east of the Interior Zone.

Virginia

Western Zone: All counties and portions of counties west of I–95.

Eastern Zone: All counties and portions of counties east of I–95.

Mississippi Flyway

Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Peotone–Beecher Road to Illinois Route 50, south along Illinois Route 50 to Wilmington–Peotone Road, west along Wilmington–Peotone Road to Illinois Route 53, north along Illinois Route 53 to New River Road, northwest along New River Road to Interstate Highway 55, south along I–55 to Pine Bluff–Lorenzo Road, west along Pine Bluff–Lorenzo Road to Illinois Route 47, north along Illinois Route 47 to I–80, west along I–80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Duck Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's Road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: That portion of the State south and east of a line extending west from the Indiana border along I–70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N Reed Station Road, south on N Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois

Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central Zone: The remainder of the State between the south border of the Central Zone and the North border of the South Zone.

Indiana

North Zone: That part of Indiana north of a line extending east from the Illinois border along State Road 18 to U.S. 31; north along U.S. 31 to U.S. 24; east along U.S. 24 to Huntington; southeast along U.S. 224; south along State Road 5; and east along State Road 124 to the Ohio border.

Central Zone: That part of Indiana south of the North Zone boundary and north of the South Zone boundary.

South Zone: That part of Indiana south of a line extending east from the Illinois border along I-70; east along National Ave.; east along U.S. 150; south along U.S. 41; east along State Road 58; south along State Road 37 to Bedford; and east along U.S. 50 to the Ohio border.

Iowa

North Zone: That portion of Iowa north of a line beginning on the South Dakota-Iowa border at I-29, southeast along I-29 to State Highway 20 to the Iowa-Illinois border. The south duck hunting zone is that part of Iowa west of I-29 and south of State Highway 92 east to the Iowa-Illinois border. The central duck hunting zone is the remainder of the State.

Central Zone: The remainder of Iowa not included in the North and South zones.

South Zone: The south duck hunting zone is that part of Iowa west of I-29 and south of State Highway 92 east to the Iowa-Illinois border.

Kentucky

West Zone: All counties west of and including Butler, Daviess, Ohio, Simpson, and Warren Counties.

East Zone: The remainder of Kentucky.

Louisiana

East Zone: That area of the State beginning at the Arkansas border, then south on U.S. Hwy 79 to State Hwy 9, then south on State Hwy 9 to State Hwy 147, then south on State Hwy 147 to U.S. Hwy 167, then south and east on U.S. Hwy 167 to U.S. Hwy 90, then south on U.S. Hwy 90 to the Mississippi State line.

West Zone: Remainder of the State.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Michigan-Wisconsin boundary line in Lake Michigan, directly due west of the mouth of Stoney Creek in section 31, T14N R18W, Oceana County, then proceed easterly and southerly along the centerline of Stoney Creek to its intersection with Scenic Drive, southerly on Scenic Drive to Stoney Lake Road in section 5, T13N R18W, Oceana County, easterly on Stoney Lake Road then both west and east Garfield Roads (name change only; not an intersection) then crossing highway U.S.-31 to State Highway M-20 (north of the town of New Era; also locally named Hayes Road) in section 33, T14N R17W, Oceana County, easterly on M-20 through Oceana, Newaygo, Mecosta, Isabella, and Midland Counties to highway U.S.-10 business route in the city of Midland, easterly on U.S.-10 Business Route (BR) to highway U.S.-10 at the Bay County line, easterly on U.S.-10 then crossing U.S.-75 to State Highway M-25 (west of the town of Bay City), easterly along M-25 into Tuscola County then northeasterly and easterly on M-25 through Tuscola County into Huron County, turning southeasterly on M-25 (near the town of Huron City; also locally named North Shore Road) to the centerline of Willow Creek in section 4, T18N R14E, Huron County, then northerly along the centerline of Willow Creek to the mouth of Willow Creek into Lake Huron, then directly due east along a line from the mouth of Willow Creek heading east into Lake Huron to a point due east and on the Michigan/U.S.-Canadian border.

South Zone: The remainder of Michigan.

Minnesota

North Duck Zone: That portion of the State north of a line extending east from the North Dakota State line along State Highway 210 to State Highway 23 and east to State Highway 39 and east to the Wisconsin State line at the Oliver Bridge.

South Duck Zone: The portion of the State south of a line extending east from the South Dakota State line along U.S. Highway 212 to I-494 and east to I-94 and east to the Wisconsin State line.

Central Duck Zone: The remainder of the State.

Missouri

North Zone: That portion of Missouri north of a line running west from the Illinois border at I-70; west on I-70 to

Hwy 65; north on Hwy 65 to Hwy 41, north on Hwy 41 to Hwy 24; west on Hwy 24 to MO Hwy 10, west on Hwy 10 to Hwy 69, north on Hwy 69 to MO Hwy 116, west on MO Hwy 116 to Hwy 59, south on Hwy 59 to the Kansas border.

Middle Zone: The remainder of Missouri not included in other zones.

South Zone: That portion of Missouri south of a line running west from the Illinois border on MO Hwy 74 to MO Hwy 25; south on MO Hwy 25 to U.S. Hwy 62; west on U.S. Hwy 62 to MO Hwy 53; north on MO Hwy 53 to MO Hwy 51; north on MO Hwy 51 to U.S. Hwy 60; west on U.S. Hwy 60 to MO Hwy 21; north on MO Hwy 21 to MO Hwy 72; west on MO Hwy 72 to MO Hwy 32; west on MO Hwy 32 to U.S. Hwy 65; north on U.S. Hwy 65 to U.S. Hwy 54; west on U.S. Hwy 54 to the Kansas border.

Ohio

Lake Erie Marsh Zone: Includes all land and water within the boundaries of the area bordered by a line beginning at the intersection of I-75 at the Ohio-Michigan State line and continuing south to Interstate 280, then south on I-280 to the Ohio Turnpike (I-80/I-90), then east on the Ohio Turnpike to the Erie-Lorain County line, then north to Lake Erie, then following the Lake Erie shoreline at a distance of 200 yards offshore, then following the shoreline west toward and around the northern tip of Cedar Point Amusement Park, then continuing from the westernmost point of Cedar Point toward the southernmost tip of the sand bar at the mouth of Sandusky Bay and out into Lake Erie at a distance of 200 yards offshore continuing parallel to the Lake Erie shoreline north and west toward the northernmost tip of Cedar Point National Wildlife Refuge, then following a direct line toward the southernmost tip of Wood Tick Peninsula in Michigan to a point that intersects the Ohio-Michigan State line, then following the State line back to the point of the beginning.

North Zone: That portion of the State, excluding the Lake Erie Marsh Zone, north of a line extending east from the Indiana State line along U.S. Highway (U.S.) 33 to State Route (SR) 127, then south along SR 127 to SR 703, then south along SR 703 and including all lands within the Mercer Wildlife Area to SR 219, then east along SR 219 to SR 364, then north along SR 364 and including all lands within the St. Mary's Fish Hatchery to SR 703, then east along SR 703 to SR 66, then north along SR 66 to U.S. 33, then east along U.S. 33 to SR 385, then east along SR 385 to SR

117, then south along SR 117 to SR 273, then east along SR 273 to SR 31, then south along SR 31 to SR 739, then east along SR 739 to SR 4, then north along SR 4 to SR 95, then east along SR 95 to SR 13, then southeast along SR 13 to SR 3, then northeast along SR 3 to SR 60, then north along SR 60 to U.S. 30, then east along U.S. 30 to SR 3, then south along SR 3 to SR 226, then south along SR 226 to SR 514, then southwest along SR 514 to SR 754, then south along SR 754 to SR 39/60, then east along SR 39/60 to SR 241, then north along SR 241 to U.S. 30, then east along U.S. 30 to SR 39, then east along SR 39 to the Pennsylvania State line.

South Zone: The remainder of Ohio not included in the Lake Erie Marsh Zone or the North Zone.

Tennessee

Reelfoot Zone: All or portions of Lake and Obion Counties.

Remainder of State: That portion of Tennessee outside of the Reelfoot Zone.

Wisconsin

North Zone: That portion of the State north of a line extending east from the Minnesota State line along U.S. Highway 10 to U.S. Highway 41, then north on U.S. Highway 41 to the Michigan State line.

Open Water Zone: That portion of the State extending 500 feet or greater from the Lake Michigan shoreline bounded by the Michigan State line and the Illinois State line.

South Zone: The remainder of the State.

Central Flyway

Colorado (Central Flyway Portion)

Special Teal Season Area: Lake and Chaffee Counties and that portion of the State east of Interstate Highway 25.

Northeast Zone: All areas east of Interstate 25 and north of Interstate 70.

Southeast Zone: All areas east of Interstate 25 and south of Interstate 70, and all of El Paso, Pueblo, Huerfano, and Las Animas Counties.

Mountain/Foothills Zone: All areas west of Interstate 25 and east of the Continental Divide, except El Paso, Pueblo, Huerfano, and Las Animas Counties.

Kansas

High Plains: That portion of the State west of U.S. 283.

Low Plains Early Zone: That part of Kansas bounded by a line from the Federal Hwy U.S.-283 and State Hwy 96 junction, then east on State Hwy 96 to its junction with Federal Hwy U.S.-183, then north on Federal Hwy U.S.-183 to its junction with Federal Hwy

U.S.-24, then east on Federal Hwy U.S.-24 to its junction with Federal Hwy U.S.-281, then north on Federal Hwy U.S.-281 to its junction with Federal Hwy U.S.-36, then east on Federal Hwy U.S.-36 to its junction with State Hwy K-199, then south on State Hwy K-199 to its junction with Republic County 30th Road, then south on Republic County 30th Road to its junction with State Hwy K-148, then east on State Hwy K-148 to its junction with Republic County 50th Road, then south on Republic County 50th Road to its junction with Cloud County 40th Road, then south on Cloud County 40th Road to its junction with State Hwy K-9, then west on State Hwy K-9 to its junction with Federal Hwy U.S.-24, then west on Federal Hwy U.S.-24 to its junction with Federal Hwy U.S.-181, then south on Federal Hwy U.S.-181 to its junction with State Hwy K-18, then west on State Hwy K-18 to its junction with Federal Hwy U.S.-281, then south on Federal Hwy U.S.-281 to its junction with State Hwy K-4, then east on State Hwy K-4 to its junction with interstate Hwy I-135, then south on interstate Hwy I-135 to its junction with State Hwy K-61, then southwest on State Hwy K-61 to its junction with McPherson County 14th Avenue, then south on McPherson County 14th Avenue to its junction with McPherson County Arapaho Road, then west on McPherson County Arapaho Road to its junction with State Hwy K-61, then southwest on State Hwy K-61 to its junction with State Hwy K-96, then northwest on State Hwy K-96 to its junction with Federal Hwy U.S.-56, then southwest on Federal Hwy U.S.-56 to its junction with State Hwy K-19, then east on State Hwy K-19 to its junction with Federal Hwy U.S.-281, then south on Federal Hwy U.S.-281 to its junction with Federal Hwy U.S.-54, then west on Federal Hwy U.S.-54 to its junction with Federal Hwy U.S.-183, then north on Federal Hwy U.S.-183 to its junction with Federal Hwy U.S.-56, then southwest on Federal Hwy U.S.-56 to its junction with North Main Street in Spearville, then south on North Main Street to Davis Street, then east on Davis Street to Ford County Road 126 (South Stafford Street), then south on Ford County Road 126 to Garnett Road, then east on Garnett Road to Ford County Road 126, then south on Ford County Road 126 to Ford Spearville Road, then west on Ford Spearville Road to its junction with Federal Hwy U.S.-400, then northwest on Federal Hwy U.S.-400 to its junction with Federal Hwy U.S.-283, and then north on Federal

Hwy U.S.-283 to its junction with Federal Hwy U.S.-96.

Low Plains Late Zone: That part of Kansas bounded by a line from the Federal Hwy U.S.-283 and State Hwy 96 junction, then north on Federal Hwy U.S.-283 to the Kansas-Nebraska State line, then east along the Kansas-Nebraska State line to its junction with the Kansas-Missouri State line, then southeast along the Kansas-Missouri State line to its junction with State Hwy K-68, then west on State Hwy K-68 to its junction with interstate Hwy I-35, then southwest on interstate Hwy I-35 to its junction with Butler County NE 150th Street, then west on Butler County NE 150th Street to its junction with Federal Hwy U.S.-77, then south on Federal Hwy U.S.-77 to its junction with the Kansas-Oklahoma State line, then west along the Kansas-Oklahoma State line to its junction with Federal Hwy U.S.-283, then north on Federal Hwy U.S.-283 to its junction with Federal Hwy U.S.-400, then east on Federal Hwy U.S.-400 to its junction with Ford Spearville Road, then east on Ford Spearville Road to Ford County Road 126 (South Stafford Street), then north on Ford County Road 126 to Garnett Road, then west on Garnett Road to Ford County Road 126, then north on Ford County Road 126 to Davis Street, then west on Davis Street to North Main Street, then north on North Main Street to its junction with Federal Hwy U.S.-56, then east on Federal Hwy U.S.-56 to its junction with Federal Hwy U.S.-183, then south on Federal Hwy U.S.-183 to its junction with Federal Hwy U.S.-54, then east on Federal Hwy U.S.-54 to its junction with Federal Hwy U.S.-281, then north on Federal Hwy U.S.-281 to its junction with State Hwy K-19, then west on State Hwy K-19 to its junction with Federal Hwy U.S.-56, then east on Federal Hwy U.S.-56 to its junction with State Hwy K-96, then southeast on State Hwy K-96 to its junction with State Hwy K-61, then northeast on State Hwy K-61 to its junction with McPherson County Arapaho Road, then east on McPherson County Arapaho Road to its junction with McPherson County 14th Avenue, then north on McPherson County 14th Avenue to its junction with State Hwy K-61, then east on State Hwy K-61 to its junction with interstate Hwy I-135, then north on interstate Hwy I-135 to its junction with State Hwy K-4, then west on State Hwy K-4 to its junction with Federal Hwy U.S.-281, then north on Federal Hwy U.S.-281 to its junction with State Hwy K-18, then east on State Hwy K-18 to its junction with Federal Hwy U.S.-181,

then north on Federal Hwy U.S.–181 to its junction with Federal Hwy U.S.–24, then east on Federal Hwy U.S.–24 to its junction with State Hwy K–9, then east on State Hwy K–9 to its junction with Cloud County 40th Road, then north on Cloud County 40th Road to its junction with Republic County 50th Road, then north on Republic County 50th Road to its junction with State Hwy K–148, then west on State Hwy K–148 to its junction with Republic County 30th Road, then north on Republic County 30th Road to its junction with State Hwy K–199, then north on State Hwy K–199 to its junction with Federal Hwy U.S.–36, then west on Federal Hwy U.S.–36 to its junction with Federal Hwy U.S.–281, then south on Federal Hwy U.S.–281 to its junction with Federal Hwy U.S.–24, then west on Federal Hwy U.S.–24 to its junction with Federal Hwy U.S.–183, then south on Federal Hwy U.S.–183 to its junction with Federal Hwy U.S.–96, and then west on Federal Hwy U.S.–96 to its junction with Federal Hwy U.S.–283.

Low Plains Southeast Zone: That part of Kansas bounded by a line from the Missouri–Kansas State line west on K–68 to its junction with I–35, then southwest on I–35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street to its junction with Federal Hwy U.S.–77, then south on Federal Hwy U.S.–77 to the Oklahoma–Kansas State line, then east along the Kansas–Oklahoma State line to its junction with the Kansas–Missouri State line, then north along the Kansas–Missouri State line to its junction with State Hwy K–68.

Montana (Central Flyway Portion)

Zone 1: The Counties of Blaine, Carter, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, and Wibaux.

Zone 2: The Counties of Big Horn, Carbon, Custer, Prairie, Rosebud, Treasure, and Yellowstone.

Nebraska

High Plains: That portion of Nebraska lying west of a line beginning at the South Dakota–Nebraska border on U.S. Hwy 183; south on U.S. Hwy 183 to U.S. Hwy 20; west on U.S. Hwy 20 to NE Hwy 7; south on NE Hwy 7 to NE Hwy 91; southwest on NE Hwy 91 to NE Hwy 2; southeast on NE Hwy 2 to NE Hwy 92; west on NE Hwy 92 to NE Hwy 40; south on NE Hwy 40 to NE Hwy 47; south on NE Hwy 47 to NE Hwy 23; east on NE Hwy 23 to U.S. Hwy 283; and

south on U.S. Hwy 283 to the Kansas–Nebraska border.

Zone 1: Area bounded by designated Federal and State highways and political boundaries beginning at the South Dakota–Nebraska border at U.S. Hwy 183; south along Hwy 183 to NE Hwy 12; east to NE Hwy 137; south to U.S. Hwy 20; east to U.S. Hwy 281; north to the Niobrara River; east along the Niobrara River to the Boyd County Line; north along the Boyd County line to NE Hwy 12; east to NE 26E Spur; north along the NE 26E Spur to the Ponca State Park boat ramp; north and west along the Missouri River to the Nebraska–South Dakota border; west along the Nebraska–South Dakota border to U.S. Hwy 183. Both banks of the Niobrara River in Keya Paha and Boyd Counties east of U.S. Hwy 183 shall be included in Zone 1.

Zone 2: Those areas of the State that are not contained in Zones 1, 3, or 4.

Zone 3: Area bounded by designated Federal and State highways, County roads, and political boundaries beginning at the Wyoming–Nebraska border at its northernmost intersection with the Interstate Canal; southeast along the Interstate Canal to the northern border of Scotts Bluff County; east along northern borders of Scotts Bluff and Morrill Counties to Morrill County Road 125; south to Morrill County Rd 94; east to County Rd 135; south to County Rd 88; east to County Rd 147; south to County Rd 88; southeast to County Rd 86; east to County Rd 151; south to County Rd 80; east to County Rd 161; south to County Rd 76; east to County Rd 165; south to County Rd 167; south to U.S. Hwy 26; east to County Rd 171; north to County Rd 68; east to County Rd 183; south to County Rd 64; east to County Rd 189; north to County Rd 70; east to County Rd 201; south to County Rd 60A; east to County Rd 203; south to County Rd 52; east to Keith County Line; north along the Keith County line to the northern border of Keith County; east along the northern boundaries of Keith and Lincoln Counties to NE Hwy 97; south to U.S. Hwy 83; south to E Hall School Rd; east to North Airport Road; south to U.S. Hwy 30; east to NE Hwy 47; south to NE Hwy 23; east on NE Hwy 23 to U.S. Hwy 283; south on U.S. Hwy 283 to the Kansas–Nebraska border; west along Kansas–Nebraska border to the Nebraska–Colorado border; north and west to the Wyoming–Nebraska border; north along the Wyoming–Nebraska border to its northernmost intersection with the Interstate Canal.

Zone 4: Area encompassed by designated Federal and State highways

and County Roads beginning at the intersection of U.S. Hwy 283 at the Kansas–Nebraska border; north to NE Hwy 23; west to NE Hwy 47; north to Dawson County Rd 769; east to County Rd 423; south to County Rd 766; east to County Rd 428; south to County Rd 763; east to NE Hwy 21; south to County Rd 761; east on County Rd 761 to County Road 437; south to the Dawson County Canal; southeast along Dawson County Canal; east to County Rd 444; south to U.S. Hwy 30; east to U.S. Hwy 183; north to Buffalo County Rd 100; east to 46th Ave.; north to NE Hwy 40; east to NE Hwy 10; north to County Rd 220 and Hall County Husker Highway; east to Hall County S 70th Rd; north to NE Hwy 2; east to U.S. Hwy 281; north to Chapman Rd; east to 7th Rd; south to U.S. Hwy 30; north and east to NE Hwy 14; south to County Rd 22; west to County Rd M; south to County Rd 21; west to County Rd K; south to U.S. Hwy 34; west to NE Hwy 2; south to U.S. Hwy I–80; west to Gunbarrel Rd (Hall/Hamilton County line); south to Giltner Rd; west to U.S. Hwy 281; south to W 82nd St; west to Holstein Ave.; south to U.S. Hwy 34; west to NE Hwy 10; north to Kearney County Rd R and Phelps County Rd 742; west to Gosper County Rd 433; south to N Railway Street; west to Commercial Ave.; south to NE Hwy 23; west to Gosper County Rd 427; south to Gosper County Rd 737; west to Gosper County Rd 426; south to Gosper County Rd 735; east to Gosper County Rd 427; south to Furnas County Rd 276; west to Furnas County Rd 425.5/425; south to U.S. Hwy 34; east to NE Hwy 4; east to NE Hwy 10; south to U.S. Hwy 136; east to NE Hwy 14; south to NE Hwy 8; east to U.S. Hwy 81; north to NE Hwy 4; east to NE Hwy 15; north to U.S. Hwy 6; east to NE Hwy 33; east to SW 142 Street; south to W Hallam Rd; east to SW 100 Rd; south to W Chestnut Rd; west to NE Hwy 103; south to NE Hwy 4; west to NE Hwy 15; south to U.S. Hwy 136; east to Jefferson County Rd 578 Ave.; south to PWF Rd; east to NE Hwy 103; south to NE Hwy 8; east to U.S. Hwy 75; north to U.S. Hwy 136; east to the intersection of U.S. Hwy 136 and the Steamboat Trace (Trace); north along the Trace to the intersection with Federal Levee R–562; north along Federal Levee R–562 to the intersection with Nemaha County Rd 643A; south to the Trace; north along the Trace/Burlington Northern Railroad right-of-way to NE Hwy 2; west to U.S. Hwy 75; north to NE Hwy 2; west to NE Hwy 50; north to Otoe County Rd D; east to N 32nd Rd; north to Otoe County Rd B; west to NE Hwy 50; north to U.S. Hwy 34; west to NE Hwy 63; north to NE

Hwy 66; north and west to U.S. Hwy 77; north to NE Hwy 109; west along NE Hwy 109 and Saunders County Rd X to Saunders County 19; south to NE Hwy 92; west to NE Hwy Spur 12F; south to Butler County Rd 30; east to County Rd X; south to County Rd 27; west to County Rd W; south to County Rd 26; east to County Rd X; south to County Rd 21 (Seward County Line); west to NE Hwy 15; north to County Rd 34; west to County Rd H; south to NE Hwy 92; west to U.S. Hwy 81; south to NE Hwy 66; west to Dark Island Trail, north to Merrick County Rd M; east to Merrick County Rd 18; north to NE Hwy 92; west to NE Hwy 14; north to NE Hwy 52; west and north to NE Hwy 91; west to U.S. Hwy 281; south to NE Hwy 58; west to NE Hwy 11; west and south to NE Hwy 2; west to NE Hwy 68; north to NE Hwy L82A; west to NE Hwy 10; north to NE Hwy 92; west to U.S. Hwy 183; north to Round Valley Rd; west to Sargent River Rd; west to Sargent Rd; west to NE Hwy S21A; west to NE Hwy 2; north to NE Hwy 91 to North Loup Spur Rd; north to North Loup River Rd; north and east along to Pleasant Valley/Worth Rd; east to Loup County Line; north along the Loup County Line to Loup-Brown County line; east along northern boundaries of Loup and Garfield Counties to NE Hwy 11; south to Cedar River Road; east and south to NE Hwy 70; east to U.S. Hwy 281; north to NE Hwy 70; east to NE Hwy 14; south to NE Hwy 39; southeast to NE Hwy 22; east to U.S. Hwy 81; southeast to U.S. Hwy 30; east to the Iowa-Nebraska border; south to the Missouri-Nebraska border; south to Kansas-Nebraska border; west along Kansas-Nebraska border to U.S. Hwy 283.

New Mexico (Central Flyway Portion)

North Zone: That portion of the State north of I-40 and U.S. 54.

South Zone: The remainder of New Mexico.

North Dakota

High Plains: That portion of the State south and west of a line beginning at the junction of U.S. Hwy 83 and the South Dakota State line, then north along U.S. Hwy 83 and I-94 to ND Hwy 41, then north on ND Hwy 41 to ND Hwy 53, then west on ND Hwy 53 to U.S. Hwy 83, then north on U.S. Hwy 83 to U.S. Hwy 2, then west on U.S. Hwy 2 to the Williams County line, then north and west along the Williams and Divide County lines to the Canadian border.

Low Plains: The remainder of North Dakota.

Oklahoma

High Plains: The Counties of Beaver, Cimarron, and Texas.

Low Plains Zone 1: That portion of the State east of the High Plains Zone and north of a line extending east from the Texas State line along OK 33 to OK 47, east along OK 47 to U.S. 183, south along U.S. 183 to I-40, east along I-40 to U.S. 177, north along U.S. 177 to OK 33, east along OK 33 to OK 18, north along OK 18 to OK 51, west along OK 51 to I-35, north along I-35 to U.S. 412, west along U.S. 412 to OK 132, then north along OK 132 to the Kansas State line.

Low Plains Zone 2: The remainder of Oklahoma.

South Dakota

High Plains: That portion of the State west of a line beginning at the North Dakota State line and extending south along U.S. 83 to U.S. 14, east on U.S. 14 to Blunt, south on the Blunt-Canning Road to SD 34, east and south on SD 34 to SD 50 at Lee's Corner, south on SD 50 to I-90, east on I-90 to SD 50, south on SD 50 to SD 44, west on SD 44 across the Platte-Winner bridge to SD 47, south on SD 47 to U.S. 18, east on U.S. 18 to SD 47, south on SD 47 to the Nebraska State line.

Low Plains North Zone: That portion of northeastern South Dakota east of the High Plains Unit and north of a line extending east along U.S. 212 to the Minnesota State line.

Low Plains South Zone: That portion of Gregory County east of SD 47 and south of SD 44; Charles Mix County south of SD 44 to the Douglas County line; south on SD 50 to Geddes; east on the Geddes Highway to U.S. 281; south on U.S. 281 and U.S. 18 to SD 50; south and east on SD 50 to the Bon Homme County line; the Counties of Bon Homme, Yankton, and Clay south of SD 50; and Union County south and west of SD 50 and I-29.

Low Plains Middle Zone: The remainder of South Dakota.

Texas

High Plains: That portion of the State west of a line extending south from the Oklahoma State line along U.S. 183 to Vernon, south along U.S. 283 to Albany, south along TX 6 to TX 351 to Abilene, south along U.S. 277 to Del Rio, then south along the Del Rio International Toll Bridge access road to the Mexico border.

Low Plains North Zone: That portion of northeastern Texas east of the High Plains Zone and north of a line beginning at the International Toll Bridge south of Del Rio, then extending

east on U.S. 90 to San Antonio, then continuing east on I-10 to the Louisiana State line at Orange, Texas.

Low Plains South Zone: The remainder of Texas.

Wyoming (Central Flyway Portion)

Zone C1: Big Horn, Converse, Goshen, Hot Springs, Natrona, Park, Platte, and Washakie Counties; and Fremont County excluding the portions west or south of the Continental Divide.

Zone C2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone C3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

North Zone: Game Management Units 1-5, those portions of Game Management Units 6 and 8 within Coconino County, and Game Management Units 7, 9, 11M, and 12A.

South Zone: Those portions of Game Management Units 6 and 8 in Yavapai County, and Game Management Units 10 and 12B-46B.

California

Northeastern Zone: That portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines; west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line from the intersection of Highway 95 with the

California–Nevada State line; south on Highway 95 through the junction with Highway 40; south on Highway 95 to Vidal Junction; south through the town of Rice to the San Bernardino–Riverside County line on a road known as “Aqueduct Road” also known as Highway 62 in San Bernardino County; southwest on Highway 62 to Desert Center Rice Road; south on Desert Center Rice Road/Highway 177 to the town of Desert Center; east 31 miles on Interstate 10 to its intersection with Wiley Well Road; south on Wiley Well Road to Wiley Well; southeast on Milpitas Wash Road to the Blythe, Brawley, Davis Lake intersections; south on Blythe Ogilby Road also known as County Highway 34 to its intersection with Ogilby Road; south on Ogilby Road to its intersection with Interstate 8; east 7 miles on Interstate 8 to its intersection with the Andrade–Algodones Road/Highway 186; south on Highway 186 to its intersection with the U.S.–Mexico border at Los Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River zone) south and east of a line beginning at the mouth of the Santa Maria River at the Pacific Ocean; east along the Santa Maria River to where it crosses Highway 101–166 near the City of Santa Maria; north on Highway 101–166; east on Highway 166 to the junction with Highway 99; south on Highway 99 to the junction of Interstate 5; south on Interstate 5 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to where it intersects Highway 178 at Walker Pass; east on Highway 178 to the junction of Highway 395 at the town of Inyokern; south on Highway 395 to the junction of Highway 58; east on Highway 58 to the junction of Interstate 15; east on Interstate 15 to the junction with Highway 127; north on Highway 127 to the point of intersection with the California–Nevada State line.

Southern San Joaquin Valley Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance of State Zone: The remainder of California not included in the Northeastern, Colorado River, Southern, and the Southern San Joaquin Valley Zones.

Colorado (Pacific Flyway Portion)

Eastern Zone: Routt, Grand, Summit, Eagle, and Pitkin Counties, those portions of Saguache, San Juan, Hinsdale, and Mineral Counties west of the Continental Divide, those portions of Gunnison County except the North Fork of the Gunnison River Valley

(Game Management Units 521, 53, and 63), and that portion of Moffat County east of the northern intersection of Moffat County Road 29 with the Moffat–Routt County line, south along Moffat County Road 29 to the intersection of Moffat County Road 29 with the Moffat–Routt County line (Elkhead Reservoir State Park).

Western Zone: All areas west of the Continental Divide not included in the Eastern Zone.

Idaho

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private inholdings; Power County east of State Highway 37 and State Highway 39; and Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Fremont, Jefferson, Madison, and Teton Counties.

Zone 2: Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties.

Zone 3: Power County west of State Highway 37 and State Highway 39, and Ada, Adams, Blaine, Boise, Camas, Canyon, Cassia, Clearwater, Custer, Elmore, Franklin, Gem, Gooding, Idaho, Jerome, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Valley County.

Nevada

Northeast Zone: Elko, Eureka, Lander, and White Pine Counties.

Northwest Zone: Carson City, Churchill, Douglas, Humboldt, Lyon, Mineral, Pershing, Storey, and Washoe Counties.

South Zone: Clark, Esmeralda, Lincoln, and Nye Counties.

Moapa Valley Special Management Area: That portion of Clark County including the Moapa Valley to the confluence of the Muddy and Virgin Rivers.

Oregon

Zone 1: Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Gilliam, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, Washington, and Yamhill, Counties.

Zone 2: The remainder of Oregon not included in Zone 1.

Utah

Northern Zone: Box Elder, Cache, Daggett, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Uintah, Utah, Wasatch, and Weber Counties, and that part of Toole County north of I–80.

Southern Zone: The remainder of Utah not included in the Northern Zone.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

West Zone: The remainder of Washington not included in the East Zone.

Wyoming (Pacific Flyway Portion)

Snake River Zone: Beginning at the south boundary of Yellowstone National Park and the Continental Divide; south along the Continental Divide to Union Pass and the Union Pass Road (U.S.F.S. Road 600); west and south along the Union Pass Road to U.S.F.S. Road 605; south along U.S.F.S. Road 605 to the Bridger-Teton National Forest boundary; along the national forest boundary to the Idaho State line; north along the Idaho State line to the south boundary of Yellowstone National Park; east along the Yellowstone National Park boundary to the Continental Divide.

Balance of State Zone: The remainder of the Pacific Flyway portion of Wyoming not included in the Snake River Zone.

Geese

Atlantic Flyway

Connecticut

Early Canada and Cackling Goose Seasons

South Zone: Same as for ducks.

North Zone: Same as for ducks.

Regular Seasons

AP Unit: Litchfield County and the portion of Hartford County west of a line beginning at the Massachusetts border in Suffield and extending south along Route 159 to its intersection with I–91 in Hartford, and then extending south along I–91 to its intersection with the Hartford–Middlesex County line.

NAP–H Unit: That part of the State east of a line beginning at the Massachusetts border in Suffield and extending south along Route 159 to its intersection with I–91 in Hartford and then extending south along I–91 to State Street in New Haven; then south on State Street to Route 34, west on Route 34 to Route 8, south along Route 8 to Route 110, south along Route 110 to Route 15, north along Route 15 to the Milford Parkway, south along the Milford Parkway to I–95, north along I–95 to the intersection with the east shore of the Quinnipiac River, south to the mouth of the Quinnipiac River and then south along the eastern shore of New Haven Harbor to the Long Island Sound.

Atlantic Flyway Resident Population (AFRP) Unit: Remainder of the State not included in AP and NAP Units.

South Zone: Same as for ducks.

Maine

North NAP-H Zone: Same as North Zone for ducks.

Coastal NAP-L Zone: Same as Coastal Zone for ducks.

South NAP-H Zone: Same as South Zone for ducks.

Maryland

Early Canada and Cackling Goose Seasons

Eastern Unit: Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; and that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State line.

Western Unit: Allegany, Baltimore, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington Counties and that part of Anne Arundel County west of Interstate 895, Interstate 97, and Route 3; that part of Prince George's County west of Route 3 and Route 301; and that part of Charles County west of Route 301 to the Virginia State line.

Regular Seasons

Resident Population (RP) Zone: Allegany, Frederick, Garrett, Montgomery, and Washington Counties; that portion of Prince George's County west of Route 3 and Route 301; that portion of Charles County west of Route 301 to the Virginia State line; and that portion of Carroll County west of Route 31 to the intersection of Route 97, and west of Route 97 to the Pennsylvania State line.

AP Zone: Remainder of the State.

Massachusetts

NAP Zone: Central and Coastal Zones (see duck zones).

AP Zone: The Western Zone (see duck zones).

Special Late Season Area: The Central Zone and that portion of the Coastal Zone (see duck zones) that lies north of the Cape Cod Canal, north to the New Hampshire State line.

New Hampshire

Same zones as for ducks.

New Jersey

AP Zone: North and South Zones (see duck zones).

NAP Zone: The Coastal Zone (see duck zones).

Special Late Season Area: In northern New Jersey, that portion of the State within a continuous line that runs east

along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with Route 287; then west along Route 287 to its intersection with Route 206 in Bedminster (Exit 18); then north along Route 206 to its intersection with Route 94; then west along Route 94 to the toll bridge in Columbia; then north along the Pennsylvania State boundary in the Delaware River to the beginning point. In southern New Jersey, that portion of the State within a continuous line that runs west from the Atlantic Ocean at Ship Bottom along Route 72 to Route 70; then west along Route 70 to Route 206; then south along Route 206 to Route 536; then west along Route 536 to Route 322; then west along Route 322 to Route 55; then south along Route 55 to Route 553 (Buck Road); then south along Route 553 to Route 40; then east along Route 40 to route 55; then south along Route 55 to Route 552 (Sherman Avenue); then west along Route 552 to Carmel Road; then south along Carmel Road to Route 49; then east along Route 49 to Route 555; then south along Route 555 to Route 553; then east along Route 553 to Route 649; then north along Route 649 to Route 670; then east along Route 670 to Route 47; then north along Route 47 to Route 548; then east along Route 548 to Route 49; then east along Route 49 to Route 50; then south along Route 50 to Route 9; then south along Route 9 to Route 625 (Sea Isle City Boulevard); then east along Route 625 to the Atlantic Ocean; then north to the beginning point.

New York

Lake Champlain Goose Area: The same as the Lake Champlain Waterfowl Hunting Zone, which is that area of New York State lying east and north of a continuous line extending along Route 11 from the New York-Canada international boundary south to Route 9B, south along Route 9B to Route 9, south along Route 9 to Route 22 south of Keeseville, south along Route 22 to the west shore of South Bay along and around the shoreline of South Bay to Route 22 on the east shore of South Bay, southeast along Route 22 to Route 4, northeast along Route 4 to the New York-Vermont boundary.

Northeast Goose Area: The same as the Northeastern Waterfowl Hunting Zone, which is that area of New York State lying north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to Interstate 81, south along Interstate 81 to Route 31, east along Route 31 to Route 13, north along Route 13 to Route 49,

east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 22 at Greenwich Junction, north along Route 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

East Central Goose Area: That area of New York State lying inside of a continuous line extending from Interstate Route 81 in Cicero, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, west along Route 146 to Albany County Route 252, northwest along Route 252 to Schenectady County Route 131, north along Route 131 to Route 7, west along Route 7 to Route 10 at Richmondville, south on Route 10 to Route 23 at Stamford, west along Route 23 to Route 7 in Oneonta, southwest along Route 7 to Route 79 to Interstate Route 88 near Harpursville, west along Route 88 to Interstate Route 81, north along Route 81 to the point of beginning.

West Central Goose Area: That area of New York State lying within a continuous line beginning at the point where the northerly extension of Route 269 (County Line Road on the Niagara-Orleans County boundary) meets the international boundary with Canada, south to the shore of Lake Ontario at the eastern boundary of Golden Hill State Park, south along the extension of Route 269 and Route 269 to Route 104 at Jeddo, west along Route 104 to Niagara County Route 271, south along Route 271 to Route 31E at Middleport, south along Route 31E to Route 31, west along Route 31 to Griswold Street, south along Griswold Street to Ditch Road, south along Ditch Road to Foot Road, south along Foot Road to the north bank of

Tonawanda Creek, west along the north bank of Tonawanda Creek to Route 93, south along Route 93 to Route 5, east along Route 5 to Crittenden-Murrays Corners Road, south on Crittenden-Murrays Corners Road to the NYS Thruway, east along the Thruway 90 to Route 98 (at Thruway Exit 48) in Batavia, south along Route 98 to Route 20, east along Route 20 to Route 19 in Pavilion Center, south along Route 19 to Route 63, southeast along Route 63 to Route 246, south along Route 246 to Route 39 in Perry, northeast along Route 39 to Route 20A, northeast along Route 20A to Route 20, east along Route 20 to Route 364 (near Canandaigua), south and east along Route 364 to Yates County Route 18 (Italy Valley Road), southwest along Route 18 to Yates County Route 34, east along Route 34 to Yates County Route 32, south along Route 32 to Steuben County Route 122, south along Route 122 to Route 53, south along Route 53 to Steuben County Route 74, east along Route 74 to Route 54A (near Pulteney), south along Route 54A to Steuben County Route 87, east along Route 87 to Steuben County Route 96, east along Route 96 to Steuben County Route 114, east along Route 114 to Schuyler County Route 23, east and southeast along Route 23 to Schuyler County Route 28, southeast along Route 28 to Route 409 at Watkins Glen, south along Route 409 to Route 14, south along Route 14 to Route 224 at Montour Falls, east along Route 224 to Route 228 in Odessa, north along Route 228 to Route 79 in Mecklenburg, east along Route 79 to Route 366 in Ithaca, northeast along Route 366 to Route 13, northeast along Route 13 to Interstate Route 81 in Cortland, north along Route 81 to the north shore of the Salmon River to shore of Lake Ontario, extending generally northwest in a straight line to the nearest point of the international boundary with Canada, south and west along the international boundary to the point of beginning.

Hudson Valley Goose Area: That area of New York State lying within a continuous line extending from Route 4 at the New York-Vermont boundary, west and south along Route 4 to Route 149 at Fort Ann, west on Route 149 to Route 9, south along Route 9 to Interstate Route 87 (at Exit 20 in Glens Falls), south along Route 87 to Route 29, west along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge,

southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, southeast along Route 146 to Main Street in Altamont, west along Main Street to Route 156, southeast along Route 156 to Albany County Route 307, southeast along Route 307 to Route 85A, southwest along Route 85A to Route 85, south along Route 85 to Route 443, southeast along Route 443 to Albany County Route 301 at Clarksville, southeast along Route 301 to Route 32, south along Route 32 to Route 23 at Cairo, west along Route 23 to Joseph Chadderdon Road, southeast along Joseph Chadderdon Road to Hearts Content Road (Greene County Route 31), southeast along Route 31 to Route 32, south along Route 32 to Greene County Route 23A, east along Route 23A to Interstate Route 87 (the NYS Thruway), south along Route 87 to Route 28 (Exit 19) near Kingston, northwest on Route 28 to Route 209, southwest on Route 209 to the New York-Pennsylvania boundary, southeast along the New York-Pennsylvania boundary to the New York-New Jersey boundary, southeast along the New York-New Jersey boundary to Route 210 near Greenwood Lake, northeast along Route 210 to Orange County Route 5, northeast along Orange County Route 5 to Route 105 in the Village of Monroe, east and north along Route 105 to Route 32, northeast along Route 32 to Orange County Route 107 (Quaker Avenue), east along Route 107 to Route 9W, north along Route 9W to the south bank of Moodna Creek, southeast along the south bank of Moodna Creek to the New Windsor-Cornwall town boundary, northeast along the New Windsor-Cornwall town boundary to the Orange-Dutchess County boundary (middle of the Hudson River), north along the county boundary to Interstate Route 84, east along Route 84 to the Dutchess-Putnam County boundary, east along the county boundary to the New York-Connecticut boundary, north along the New York-Connecticut boundary to the New York-Massachusetts boundary, north along the New York-Massachusetts boundary to the New York-Vermont boundary, north to the point of beginning.

Eastern Long Island Goose Area (NAP High Harvest Area): That area of Suffolk County lying east of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Roanoke Avenue in the Town of Riverhead; then south on Roanoke Avenue (which becomes County Route 73) to State Route 25; then west on Route 25 to Peconic Avenue; then south on Peconic Avenue to County Route (CR) 104 (Riverleigh Avenue); then south on CR 104 to CR 31 (Old Riverhead Road); then south on CR 31 to Oak Street; then south on Oak Street to Potunk Lane; then west on Stevens Lane; then south on Jessup Avenue (in Westhampton Beach) to Dune Road (CR 89); then due south to international waters.

Western Long Island Goose Area (RP Area): That area of Westchester County and its tidal waters southeast of Interstate Route 95 and that area of Nassau and Suffolk Counties lying west of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Sound Road (just east of Wading River Marsh); then south on Sound Road to North Country Road; then west on North Country Road to Randall Road; then south on Randall Road to Route 25A, then west on Route 25A to the Sunken Meadow State Parkway; then south on the Sunken Meadow Parkway to the Sagtikos State Parkway; then south on the Sagtikos Parkway to the Robert Moses State Parkway; then south on the Robert Moses Parkway to its southernmost end; then due south to international waters.

Central Long Island Goose Area (NAP Low Harvest Area): That area of Suffolk County lying between the Western and Eastern Long Island Goose Areas, as defined above.

South Goose Area: The remainder of New York State, excluding New York City.

North Carolina

Northeast Zone: Includes the following counties or portions of counties: Bertie (that portion north and east of a line formed by NC 45 at the Washington County line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford County line), Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

RP Zone: Remainder of the State.

Pennsylvania

Resident Canada and Cackling Goose Zone: All of Pennsylvania area east of route SR 97 from the Maryland State

Line to the intersection of SR 194, east of SR 194 to the intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I-81, east of I-81 to intersection of I-80, and south of I-80 to the New Jersey State line.

AP Zone: The area east of route SR 97 from Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I-81, east of I-81 to intersection of I-80, south of I-80 to the New Jersey State line.

Rhode Island

Special Area for Canada and Cackling Geese: Kent and Providence Counties and portions of the towns of Exeter and North Kingston within Washington County (see State regulations for detailed descriptions).

South Carolina

Canada and Cackling Goose Area: Statewide except for the following area:

East of U.S. 301: That portion of Clarendon County bounded to the North by S-14-25, to the East by Hwy 260, and to the South by the markers delineating the channel of the Santee River.

West of U.S. 301: That portion of Clarendon County bounded on the North by S-14-26 extending southward to that portion of Orangeburg County bordered by Hwy 6.

Vermont

Same zones as for ducks.

Virginia

AP Zone: The area to the east of the following line: the "Blue Ridge" (Loudoun-Clarke Counties border) at the West Virginia-Virginia border, south to Interstate 64 (the Blue Ridge line follows county borders along the western edge of Loudoun, Fauquier, Rappahannock, Madison, Greene, Albemarle and into Nelson Counties), then east along Interstate 64 to Interstate 95 in Richmond, then south along Interstate 95 to Route 460 in Petersburg, then southeast along Route 460 to Route 32 in the City of Suffolk, then south to the North Carolina border.

RP Zone: The remainder of the State west of the AP Zone.

Mississippi Flyway

Arkansas

Northwest Zone: Baxter, Benton, Boone, Carroll, Conway, Crawford, Faulkner, Franklin, Johnson, Logan, Madison, Marion, Newton, Perry, Pope,

Pulaski, Searcy, Sebastian, Scott, Van Buren, Washington, and Yell Counties.

Remainder of State: That portion of the State outside of the Northwest Zone. Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I-39, south along I-39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Goose Zone line to a line extending west from the Indiana border along I-70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's Road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: Same zone as for ducks.

South Central Zone: Same zone as for ducks.

Indiana

Same zones as for ducks.

Iowa

Same zones as for ducks.

Kentucky

Western: The area that includes all counties west of and including Hardin, Nelson, Washington, Marion, Taylor, Adair, and Cumberland Counties.

Eastern: The area that includes Bullitt County in its entirety and all other counties not included in the Western goose zone.

Louisiana

Same zones as for ducks.

Michigan

North Zone: Same as North duck zone.

Middle Zone: Same as Middle duck zone.

South Zone: Same as South duck zone.

Allegan County Game Management Unit (GMU): That area encompassed by

a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly along 46th Street to 109th Avenue, westerly along 109th Avenue to I-196 in Casco Township, then northerly along I-196 to the point of beginning.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Minnesota

Same zones as for ducks.

Missouri

Same zones as for ducks.

Ohio

Same zones as for ducks.

Tennessee

Reelfoot Zone: The lands and waters within the boundaries of Reelfoot Lake WMA only.

Remainder of State: The remainder of the State.

Wisconsin

North and South Zones: Same zones as for ducks.

Mississippi River Zone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

Central Flyway

Colorado (Central Flyway Portion)

North Park Area: Jackson County.

South Park Area: Chaffee, Custer, Fremont, Lake, Park, and Teller Counties.

San Luis Valley Area: All of Alamosa, Conejos, Costilla, and Rio Grande Counties, and those portions of Saguache, Mineral, Hinsdale, Archuleta, and San Juan Counties east of the Continental Divide.

Remainder: Remainder of the Central Flyway portion of Colorado.

Eastern Colorado Late Light Goose Area: That portion of the State east of Interstate Highway 25.

Montana (Central Flyway Portion)

Zone 1: Same as Zone 1 for ducks and coots.

Zone 2: Same as Zone 2 for ducks and coots.

Nebraska

Dark Geese

Niobrara Unit: That area contained within and bounded by the intersection of the Nebraska-South Dakota border and U.S. Hwy 83, south to U.S. Hwy 20, east to NE Hwy 14, north along NE Hwy 14 to NE Hwy 59 and County Road 872, west along County Road 872 to the Knox County line, north along the Knox County line to the Nebraska-South Dakota border, west along the Nebraska-South Dakota border to U.S. Hwy 83. Where the Niobrara River forms the boundary, both banks of the river are included in the Niobrara Unit.

Platte River Unit: The area bounded starting at the northernmost intersection of the Interstate Canal at the Nebraska-Wyoming border, south along the Nebraska-Wyoming border to the Nebraska-Colorado border, east and south along the Nebraska-Colorado border to the Nebraska-Kansas border, east along the Nebraska-Kansas border to the Nebraska-Missouri border, north along the Nebraska-Missouri and Nebraska-Iowa borders to the Burt-Washington Counties line, west along the Burt-Washington Counties line to U.S. Hwy 75, south to Dodge County Road 4/Washington County Road 4, west to U.S. Hwy 77, south to U.S. Hwy 275, northwest to U.S. Hwy 91, west to NE Hwy 45, north to NE Hwy 32, west to NE Hwy 14, north to NE Hwy 70, west to U.S. Hwy 281, south to NE Hwy 70, west along NE Hwy 70/91 to NE Hwy 11, north to the Holt County line, west along the northern border of Garfield, Loup, Blaine, and Thomas Counties to the Hooker County line, south along the Thomas-Hooker Counties lines to the McPherson County line, east along the south border of Thomas County to the Custer County line, south along the Custer-Logan Counties line to NE Hwy 92, west to U.S. Hwy 83, north to NE Hwy 92, west to NE Hwy 61, north to NE Hwy 2, west along NE Hwy 2 to the corner formed by Garden, Grant, and Sheridan Counties, west along the north borders of Garden, Morrill, and Scotts Bluff Counties to the intersection with the Interstate Canal, north and west along the Interstate Canal to the intersection with the Nebraska-Wyoming border.

North-Central Unit: Those portions of the State not in the Niobrara and Platte River zones.

Light Geese

Rainwater Basin Light Goose Area: The area bounded by the junction of NE Hwy 92 and NE Hwy 15, south along NE Hwy 15 to NE Hwy 4, west along NE Hwy 4 to U.S. Hwy 34, west along U.S. Hwy 34 to U.S. Hwy 283, north along U.S. Hwy 283 to U.S. Hwy 30, east along U.S. Hwy 30 to NE Hwy 92, east along NE Hwy 92 to the beginning.

Remainder of State: The remainder of Nebraska.

New Mexico (Central Flyway Portion)

Dark Geese

Middle Rio Grande Valley Unit: Sierra, Socorro, and Valencia Counties.

Remainder: The remainder of the Central Flyway portion of New Mexico.

North Dakota

Missouri River Canada and Cackling Goose Zone: The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; then north on ND Hwy 6 to I-94; then west on I-94 to ND Hwy 49; then north on ND Hwy 49 to ND Hwy 200; then west on ND Hwy 200; then north on ND Hwy 8 to the Mercer-McLean Counties line; then east following the county line until it turns south toward Garrison Dam; then east along a line (including Mallard Island) of Lake Sakakawea to U.S. Hwy 83; then south on U.S. Hwy 83 to ND Hwy 200; then east on ND Hwy 200 to ND Hwy 41; then south on ND Hwy 41 to U.S. Hwy 83; then south on U.S. Hwy 83 to I-94; then east on I-94 to U.S. Hwy 83; then south on U.S. Hwy 83 to the South Dakota border; then west along the South Dakota border to ND Hwy 6.

Western North Dakota Canada and Cackling Goose Zone: Same as the High Plains Unit for ducks, mergansers, and coots, excluding the Missouri River Canada Goose Zone.

Rest of State: Remainder of North Dakota.

South Dakota

Early Canada and Cackling Goose Seasons

Special Early Canada and Cackling Goose Unit: The Counties of Campbell, Clark, Codington, Day, Deuel, Grant, Hamlin, Marshall, Roberts, Walworth; that portion of Perkins County west of State Highway 75 and south of State Highway 20; that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction; that portion of Potter County east of U.S. Highway 83; that portion of Sully County east of U.S. Highway 83;

portions of Hyde, Buffalo, Brule, and Charles Mix Counties north and east of a line beginning at the Hughes-Hyde County line on State Highway 34, east to Lees Boulevard, southeast to State Highway 34, east 7 miles to 350th Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, and north on U.S. Highway 281 to the Charles Mix-Douglas Counties boundary; that portion of Bon Homme County north of State Highway 50; those portions of Yankton and Clay Counties north of a line beginning at the junction of State Highway 50 and 306th Street/County Highway 585 in Bon Homme County, east to U.S. Highway 81, then north on U.S. Highway 81 to 303rd Street, then east on 303rd Street to 444th Avenue, then south on 444th Avenue to 305th Street, then east on 305th Street/Bluff Road to State Highway 19, then south to State Highway 50 and east to the Clay/Union County Line; Aurora, Beadle, Brookings, Brown, Butte, Corson, Davison, Douglas, Edmunds, Faulk, Haakon, Hand, Hanson, Harding, Hutchinson, Jackson, Jerauld, Jones, Kingsbury, Lake, McCook, McPherson, Meade, Mellette, Miner, Moody, Oglala Lakota (formerly Shannon), Sanborn, Spink, Todd, Turner, and Ziebach Counties; and those portions of Minnehaha and Lincoln Counties outside of an area bounded by a line beginning at the junction of the South Dakota-Minnesota State line and Minnehaha County Highway 122 (254th Street) west to its junction with Minnehaha County Highway 149 (464th Avenue), south on Minnehaha County Highway 149 (464th Avenue) to Hartford, then south on Minnehaha County Highway 151 (463rd Avenue) to State Highway 42, east on State Highway 42 to State Highway 17, south on State Highway 17 to its junction with Lincoln County Highway 116 (Klondike Road), and east on Lincoln County Highway 116 (Klondike Road) to the South Dakota-Iowa State line, then north along the South Dakota-Iowa and South Dakota-Minnesota border to the junction of the South Dakota-Minnesota State line and Minnehaha County Highway 122 (254th Street).

Regular Seasons

Unit 1: Same as that for the Special Early Canada and Cackling Goose Unit.

Unit 2: All of South Dakota not included in Unit 1 and Unit 3.

Unit 3: Bennett County.

Texas

Northeast Goose Zone: That portion of Texas lying east and north of a line

beginning at the Texas-Oklahoma border at U.S. 81, then continuing south to Bowie and then southeasterly along U.S. 81 and U.S. 287 to I-35W and I-35 to the juncture with I-10 in San Antonio, then east on I-10 to the Texas-Louisiana border.

Southeast Goose Zone: That portion of Texas lying east and south of a line beginning at the International Toll Bridge at Laredo, then continuing north following I-35 to the juncture with I-10 in San Antonio, then easterly along I-10 to the Texas-Louisiana border.

West Goose Zone: The remainder of the State.

Wyoming (Central Flyway Portion)

Dark Geese

Zone G1: Big Horn, Converse, Hot Springs, Natrona, Park, and Washakie Counties.

Zone G1A: Goshen and Platte Counties.

Zone G2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone G3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Zone G4: Fremont County excluding those portions south or west of the Continental Divide.

Pacific Flyway

Arizona

Same zones as for ducks.

California

Northeastern Zone: That portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to main street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State

line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Klamath Basin Special Management Area: Beginning at the intersection of Highway 161 and Highway 97; east on Highway 161 to Hill Road; south on Hill Road to N Dike Road West Side; east on N Dike Road West Side until the junction of the Lost River; north on N Dike Road West Side until the Volcanic Legacy Scenic Byway; east on Volcanic Legacy Scenic Byway until N Dike Road East Side; south on the N Dike Road East Side; continue east on N Dike Road East Side to Highway 111; south on Highway 111/Great Northern Road to Highway 120/Highway 124; west on Highway 120/Highway 124 to Hill Road; south on Hill Road until Lairds Camp Road; west on Lairds Camp Road until Willow Creek; west and south on Willow Creek to Red Rock Road; west on Red Rock Road until Meiss Lake Road/Old State Highway; north on Meiss Lake Road/Old State Highway to Highway 97; north on Highway 97 to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line from the intersection of Highway 95 with the California-Nevada State line; south on Highway 95 through the junction with Highway 40; south on Highway 95 to Vidal Junction; south through the town of Rice to the San Bernardino-Riverside Counties line on a road known as "Aqueduct Road" also known as Highway 62 in San Bernardino County; southwest on Highway 62 to Desert Center Rice Road; south on Desert Center Rice Road/Highway 177 to the town of Desert Center; east 31 miles on Interstate 10 to its intersection with Wiley Well Road; south on Wiley Well Road to Wiley Well; southeast on Milpitas Wash Road to the Blythe, Brawley, Davis Lake intersections; south on Blythe Ogilby Road also known as County Highway 34 to its intersection with Ogilby Road; south on Ogilby Road to its intersection with Interstate 8; east 7 miles on Interstate 8 to its intersection with the Andrade-Algodones Road/Highway 186; south on Highway 186 to its intersection with the U.S.-Mexico border at Los Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River zone) south and east of a line beginning at the mouth of the Santa Maria River at the Pacific Ocean; east along the Santa Maria River to where it crosses Highway 101-166 near the City of Santa Maria; north on Highway 101-166; east on Highway 166 to the junction with Highway 99; south

on Highway 99 to the junction of Interstate 5; south on Interstate 5 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to where it intersects Highway 178 at Walker Pass; east on Highway 178 to the junction of Highway 395 at the town of Inyokern; south on Highway 395 to the junction of Highway 58; east on Highway 58 to the junction of Interstate 15; east on Interstate 15 to the junction with Highway 127; north on Highway 127 to the point of intersection with the California-Nevada State line.

Imperial County Special Management Area: The area bounded by a line beginning at Highway 86 and the Navy Test Base Road; south on Highway 86 to the town of Westmoreland; continue through the town of Westmoreland to Route S26; east on Route S26 to Highway 115; north on Highway 115 to Weist Road; north on Weist Road to Flowing Wells Road; northeast on Flowing Wells Road to the Coachella Canal; northwest on the Coachella Canal to Drop 18; a straight line from Drop 18 to Frink Road; south on Frink Road to Highway 111; north on Highway 111 to Niland Marina Road; southwest on Niland Marina Road to the old Imperial County boat ramp and the water line of the Salton Sea; from the water line of the Salton Sea, a straight line across the Salton Sea to the Salinity Control Research Facility and the Navy Test Base Road; southwest on the Navy Test Base Road to the point of beginning.

Balance of State Zone: The remainder of California not included in the Northeastern, Colorado River, and Southern Zones.

North Coast Special Management Area: Del Norte and Humboldt Counties.

Sacramento Valley Special Management Area: That area bounded by a line beginning at Willows south on I-5 to Hahn Road; easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes; northerly on CA 45 to the junction with CA 162; northerly on CA 45/162 to Glenn; and westerly on CA 162 to the point of beginning in Willows.

Colorado (Pacific Flyway Portion)

Same zones as for ducks.

Idaho

Early Canada and Cackling Goose Seasons

Zone 1: Bannock, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the

Fort Hall Indian Reservation; Power County east of State Highway 37 and State Highway 39; and all lands and waters within the Fort Hall Indian Reservation, including private in-holdings.

Zone 2: Bonneville County.

Zone 3: Ada, Adams, Blaine, Boise, Camas, Canyon, Cassia, Clearwater, Custer, Elmore, Franklin, Gem, Gooding, Idaho, Jerome, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Twin Falls, and Washington Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 4: Bear Lake County; Bingham County within the Blackfoot Reservoir drainage; and Caribou County, except that portion within the Fort Hall Indian Reservation.

Zone 5: Valley County.

Zone 6: Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties.

Regular Seasons

Canada and Cackling Geese and Brant

Same as for early Canada and cackling goose seasons.

White-Fronted Geese

Zone 1: Bannock County; Bingham County except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; Power County east of State Highway 37 and State Highway 39; and all lands and waters within the Fort Hall Indian Reservation, including private in-holdings.

Zone 2: Bear Lake, Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County within the Blackfoot Reservoir drainage; and Caribou County except within the Fort Hall Indian Reservation.

Zone 3: Adams, Blaine, Camas, Clearwater, Custer, Franklin, Idaho, Latah, Lemhi, Lewis, Nez Perce, and Oneida Counties; and Power County west of State Highway 37 and State Highway 39.

Zone 4: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 5: Valley County.

Zone 6: Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties.

Light Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County east of the west bank of the Snake River, west of the McTucker boat ramp access road, and east of the American Falls Reservoir bluff, except that portion within the

Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County below the American Falls Reservoir bluff, and within the Fort Hall Indian Reservation.

Zone 2: Franklin and Oneida Counties; Bingham County west of the west bank of the Snake River, east of the McTucker boat ramp access road, and west of the American Falls Reservoir bluff; Power County, except below the American Falls Reservoir bluff and those lands and waters within the Fort Hall Indian Reservation.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Adams, Blaine, Camas, Clearwater, Custer, Idaho, Latah, Lemhi, Lewis, and Nez Perce Counties.

Zone 5: Bear Lake, Bonneville, Butte, Clark, Fremont, Jefferson, Madison, and Teton Counties; Bingham County within the Blackfoot Reservoir drainage; and Caribou County except within the Fort Hall Indian Reservation.

Zone 6: Valley County.

Zone 7: Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties.

Nevada

Same zones as for ducks.

New Mexico (Pacific Flyway Portion)

North Zone: The Pacific Flyway portion of New Mexico located north of I-40.

South Zone: The Pacific Flyway portion of New Mexico located south of I-40.

Oregon

Northwest Permit Zone: Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.

Tillamook County Management Area: That portion of Tillamook County beginning at the point where Old Woods Road crosses the south shores of Horn Creek, north on Old Woods Road to Sand Lake Road at Woods, north on Sand Lake Road to the intersection with McPhillips Drive, due west (~200 yards) from the intersection to the Pacific coastline, south along the Pacific coastline to a point due west of the western end of Pacific Avenue in Pacific City, east from this point (~250 yards) to Pacific Avenue, east on Pacific Avenue to Brooten Road, south and then east on Brooten Road to Highway 101, north on Highway 101 to Resort Drive, north on Resort Drive to a point due west of the south shores of Horn Creek at its confluence with the Nestucca River, due east (~80 yards) across the Nestucca

River to the south shores of Horn Creek, east along the south shores of Horn Creek to the point of beginning.

Southwest Zone: Those portions of Douglas, Coos, and Curry Counties east of Highway 101, and Josephine and Jackson Counties.

South Coast Zone: Those portions of Douglas, Coos, and Curry Counties west of Highway 101.

Eastern Zone: Baker, Crook, Deschutes, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Union, Wallowa, and Wheeler Counties.

Mid-Columbia Zone: Gilliam, Hood River, Morrow, Sherman, Umatilla, and Wasco Counties.

Utah

East Box Elder County Zone: Boundary begins at the intersection of the eastern boundary of Public Shooting Grounds Waterfowl Management Area and SR-83 (Promontory Road); east along SR-83 to I-15; south on I-15 to the Perry access road; southwest along this road to the Bear River Bird Refuge boundary; west, north, and then east along the refuge boundary until it intersects the Public Shooting Grounds Waterfowl Management Area boundary; east and north along the Public Shooting Grounds Waterfowl Management Area boundary to SR-83.

Wasatch Front Zone: Boundary begins at the Weber-Box Elder Counties line at I-15; east along Weber County line to U.S.-89; south on U.S.-89 to I-84; east and south on I-84 to I-80; south on I-80 to U.S.-189; south and west on U.S.-189 to the Utah County line; southeast and then west along this line to the Tooele County line; north along the Tooele County line to I-80; east on I-80 to Exit 99; north from Exit 99 along a direct line to the southern tip of Promontory Point and Promontory Road; east and north along this road to the causeway separating Bear River Bay from Ogden Bay; east on this causeway to the southwest corner of Great Salt Lake Mineral Corporation's (GSLMC) west impoundment; north and east along GSLMC's west impoundment to the northwest corner of the impoundment; north from this point along a direct line to the southern boundary of Bear River Migratory Bird Refuge; east along this southern boundary to the Perry access road; northeast along this road to I-15; south along I-15 to the Weber-Box Elder Counties line.

Southern Zone: Boundary includes Beaver, Carbon, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Washington, and Wayne Counties, and that part of Tooele County south of I-80.

Northern Zone: The remainder of Utah not included in the East Box Elder County, Wasatch Front, and Southern Zones.

Washington

Area 1: Skagit and Whatcom Counties, and that portion of Snohomish County west of Interstate 5.

Area 2 Inland (Southwest Permit Zone): Clark, Cowlitz, and Wahkiakum Counties, and that portion of Grays Harbor County east of Highway 101.

Area 2 Coastal (Southwest Permit Zone): Pacific County and that portion of Grays Harbor County west of Highway 101.

Area 3: All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2 Coastal, and 2 Inland.

Area 4: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5: All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Wyoming (Pacific Flyway Portion)

Early Canada and Cackling Goose Seasons

Teton County Zone: Teton County.

Balance of State Zone: Remainder of the State.

Brant

Pacific Flyway

California

Northern Zone: Del Norte, Humboldt, and Mendocino Counties.

Balance of State Zone: The remainder of the State not included in the Northern Zone.

Washington

Puget Sound Zone: Clallam, Skagit, and Whatcom Counties.

Coastal Zone: Pacific County.

Swans

Central Flyway

South Dakota

Open Area: Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Campbell, Clark, Codington, Davison, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Kingsbury, Lake, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, and Walworth Counties.

Pacific Flyway

Idaho

Open Area: Benewah, Bonner, Boundary, and Kootenai Counties.

Montana (Pacific Flyway Portion)

Open Area: Cascade, Chouteau, Hill, Liberty, and Toole Counties and those portions of Pondera and Teton Counties lying east of U.S. 287–89.

Nevada

Open Area: Churchill, Lyon, and Pershing Counties.

Utah

Open Area: Begins at I–15 and Exit 365 (SR 13/83); west and north on SR–83 to I–84; west on I–84 to SR–30; southwest on SR–30 to the Nevada-Utah State line; south on this State line to I–80; east on I–80 to I–15; north on I–15 to Exit 365 (SR 13/83).

Doves

Alabama

South Zone: Baldwin, Coffee, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone: Remainder of the State.

Florida

Northwest Zone: The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone: The remainder of the State.

Louisiana

North Zone: That portion of the State north of a line extending east from the Texas border along State Highway 12 to U.S. Highway 190, east along U.S. Highway 190 to Interstate Highway 12, east along Interstate Highway 12 to Interstate Highway 10, then east along Interstate Highway 10 to the Mississippi border.

South Zone: The remainder of the State.

Mississippi

North Zone: That portion of the State north and west of a line extending west from the Alabama State line along U.S. Highway 84 to its junction with State Highway 35, then south along State Highway 35 to the Louisiana State line.

South Zone: The remainder of Mississippi.

New Mexico

North Zone: North of I–40 from the New Mexico–Arizona border to U.S. Hwy. 54 at Tucumcari; U.S. Hwy. 54 from Tucumcari to the New Mexico–Texas border.

South Zone: South of I–40 from the New Mexico–Arizona border to U.S. Hwy. 54 at Tucumcari; U.S. Hwy. 54 from Tucumcari to the New Mexico–Texas border.

Oregon

Zone 1: Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Gilliam, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, Washington, and Yamhill, Counties.

Zone 2: The remainder of Oregon not included in Zone 1.

Texas

North Zone: That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I–10 at Fort Hancock; east along I–10 to I–20; northeast along I–20 to I–30 at Fort Worth; northeast along I–30 to the Texas–Arkansas State line.

Central Zone: That portion of the State lying between the North and South Zones.

South Zone: That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio; then south, east, and north along Loop 1604 to I–10 east of San Antonio; then east on I–10 to Orange, Texas.

Special White-winged Dove Area: Same as the South Zone.

New Mexico

North Zone: That portion of the State north of a line following I–40 from the Arizona border east to U.S. Hwy 54 at Tucumcari and U.S. Hwy 54 at Tucumcari east to the Texas border.

South Zone: The remainder of the State not included in the North Zone.

Band-Tailed Pigeons

California

North Zone: Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone: The remainder of the State not included in the North Zone.

New Mexico

North Zone: North of a line following U.S. 60 from the Arizona State line east

to I–25 at Socorro and then south along I–25 from Socorro to the Texas State line.

South Zone: The remainder of the State not included in the North Zone.

Washington

Western Washington: The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

American Woodcock

New Jersey

North Zone: That portion of the State north of NJ 70.

South Zone: The remainder of the State.

Sandhill Cranes

Mississippi Flyway

Alabama

Open Area: That area north of Interstate 20 from the Georgia State line to the interchange with Interstate 65, then east of Interstate 65 to the interchange with Interstate 22, then north of Interstate 22 to the Mississippi State line.

Minnesota

Northwest Zone: That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Tennessee

Southeast Crane Zone: That portion of the State south of Interstate 40 and east of State Highway 56.

Remainder of State: That portion of Tennessee outside of the Southeast Crane Zone.

Central Flyway

Colorado (Central Flyway Portion)

Open Area: The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

Kansas

Central Zone: That portion of the State within an area bounded by a line beginning where I–35 crosses the Kansas–Oklahoma border, then north on I–35 to Wichita, then north on I–135 to Salina, then north on U.S. 81 to the Nebraska border, then west along the Kansas–Nebraska border to its intersection with Hwy 283, then south on Hwy 283 to the intersection with Hwy 18/24, then east along Hwy 18 to Hwy 183, then south on Hwy 183 to Route 1, then south on Route 1 to the Oklahoma border, then east along the Kansas–Oklahoma border to where it crosses I–35.

West Zone: That portion of the State west of the western boundary of the Central Zone.

Montana (Central Flyway Portion)

Regular Season Open Area: The Central Flyway portion of the State except for that area south and west of Interstate 90.

Special Season Open Area:
Zone 7: Golden Valley and Wheatland Counties and those portions of Stillwater and Sweetgrass Counties north of I–90.

Zone 8: Carbon County.

New Mexico (Central Flyway Portion)

Regular-Season Open Area: Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Special Season Open Areas

Middle Rio Grande Valley Area: The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Estancia Valley Area: Those portions of Santa Fe, Torrance, and Bernalillo Counties within an area bounded on the west by New Mexico Highway 55 beginning at Mountainair north to NM 337, north to NM 14, north to I–25; on the north by I–25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to NM 55 in Mountainair.

Southwest Zone: Area bounded on the south by the New Mexico–Mexico border; on the west by the New Mexico–Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to NM 26, east to NM 27, north to NM 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna County line, and south to the New Mexico–Mexico border.

North Dakota

Area 1: That portion of the State west of U.S. 281.

Area 2: That portion of the State east of U.S. 281.

Oklahoma

Open Area: That portion of the State west of I–35.

South Dakota

Open Area: That portion of the State lying west of a line beginning at the South Dakota–North Dakota border and State Highway 25, south on State Highway 25 to its junction with State Highway 34, east on State Highway 34 to its junction with U.S. Highway 81, then south on U.S. Highway 81 to the South Dakota–Nebraska border.

Texas

Zone A: That portion of Texas lying west of a line beginning at the international toll bridge at Laredo, then northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in Laredo, then north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas–Oklahoma State line.

Zone B: That portion of Texas lying within boundaries beginning at the junction of U.S. Highway 81 and the Texas–Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in the town of Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas–Oklahoma State line, then south along the Texas–Oklahoma State line to the south bank of the Red River, then eastward along the vegetation line on the south bank of the Red River to U.S. Highway 81.

Zone C: The remainder of the State, except for the closed areas.

Closed areas:

A. That portion of the State lying east and north of a line beginning at the junction of U.S. Highway 81 and the Texas–Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with I–35W in Fort Worth, then southwest along I–35 to its junction with U.S.

Highway 290 East in Austin, then east along U.S. Highway 290 to its junction with Interstate Loop 610 in Harris County, then south and east along Interstate Loop 610 to its junction with Interstate Highway 45 in Houston, then south on Interstate Highway 45 to State Highway 342, then to the shore of the Gulf of Mexico, and then north and east along the shore of the Gulf of Mexico to the Texas–Louisiana State line.

B. That portion of the State lying within the boundaries of a line beginning at the Kleberg–Nueces County line and the shore of the Gulf of Mexico, then west along the County line to Park Road 22 in Nueces County, then north and west along Park Road 22 to its junction with State Highway 358 in Corpus Christi, then west and north along State Highway 358 to its junction with State Highway 286, then north along State Highway 286 to its junction with Interstate Highway 37, then east along Interstate Highway 37 to its junction with U.S. Highway 181, then north and west along U.S. Highway 181 to its junction with U.S. Highway 77 in Sinton, then north and east along U.S. Highway 77 to its junction with U.S. Highway 87 in Victoria, then south and east along U.S. Highway 87 to its junction with State Highway 35 at Port Lavaca, then north and east along State Highway 35 to the south end of the Lavaca Bay Causeway, then south and east along the shore of Lavaca Bay to its junction with the Port Lavaca Ship Channel, then south and east along the Lavaca Bay Ship Channel to the Gulf of Mexico, and then south and west along the shore of the Gulf of Mexico to the Kleberg–Nueces Counties line.

Wyoming (Central Flyway Portion)

Area 4: All lands within the Bureau of Reclamation's Riverton and Boysen Unit boundaries; those lands within Boysen State Park south of Cottonwood Creek, west of Boysen Reservoir, and south of U.S. Highway 20–26; and all non-Indian owned fee title lands within the exterior boundaries of the Wind River Reservation, excluding those lands within Hot Springs County.

Area 6: Big Horn, Hot Springs, Park, and Washakie Counties.

Area 7: Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties.

Area 8: Johnson, Natrona, and Sheridan Counties.

Pacific Flyway

Arizona

Zone 1: Beginning at the junction of the New Mexico State line and U.S. Hwy 80; south along the State line to the

U.S.–Mexico border; west along the border to the San Pedro River; north along the San Pedro River to the junction with Arizona Hwy 77; northerly along Arizona Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I–10; east on I–10 to Bowie–Apache Pass Road; southerly on the Bowie–Apache Pass Road to Arizona Hwy 186; southeasterly on Arizona Hwy 186 to Arizona Hwy 181; south on Arizona Hwy 181 to the West Turkey Creek–Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Road; easterly on Rucker Canyon Road to the Tex Canyon Road; southerly on Tex Canyon Road to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico State line.

Zone 2: Beginning at I–10 and the New Mexico State line; north along the State line to Arizona Hwy 78; southwest on Arizona Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Lower Eagle Creek Road (Pump Station Road) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I–10; easterly on I–10 to the New Mexico State line.

Zone 3: Beginning on I–10 at the New Mexico State line; westerly on I–10 to the Bowie–Apache Pass Road; southerly on the Bowie–Apache Pass Road to AZ Hwy 186; southeast on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek–Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Road; easterly on the Rucker Canyon Road to Tex Canyon Road; southerly on Tex Canyon Road to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico State line; north along the State line to I–10.

Idaho

Area 1: All of Bear Lake County and all of Caribou County except that portion lying within the Grays Lake Basin.

Area 2: All of Teton County except that portion lying west of State Highway 33 and south of Packsaddle Road (West 400 North) and north of the North Cedron Road (West 600 South) and east of the west bank of the Teton River.

Area 3: All of Fremont County except the Chester Wetlands Wildlife Management Area.

Area 4: All of Jefferson County.

Area 5: All of Bannock County east of Interstate 15 and south of U.S. Highway 30; and all of Franklin County.

Area 6: That portion of Oneida County within the boundary beginning at the intersection of the Idaho–Utah border and Old Highway 191, then north on Old Highway 191 to 1500 S, then west on 1500 S to Highway 38, then west on Highway 38 to 5400 W, then south on 5400 W to Pocatello Valley Road, then west and south on Pocatello Valley Road to 10000 W, then south on 10000 W to the Idaho–Utah border, then east along the Idaho–Utah border to the beginning point.

Montana (Pacific Flyway Portion)

Zone 1: Those portions of Deer Lodge County lying within the following described boundary: beginning at the intersection of I–90 and Highway 273, then westerly along Highway 273 to the junction of Highway 1, then southeast along said highway to Highway 275 at Opportunity, then east along said highway to East Side County road, then north along said road to Perkins Lane, then west on said lane to I–90, then north on said interstate to the junction of Highway 273, the point of beginning. Except for sections 13 and 24, T5N, R10W; and Warm Springs Pond number 3.

Zone 2: That portion of the Pacific Flyway, located in Powell County lying within the following described boundary: beginning at the junction of State Routes 141 and 200, then west along Route 200 to its intersection with the Blackfoot River at Russell Gates Fishing Access Site (Powell–Missoula County line), then southeast along said river to its intersection with the Ovando–Helmville Road (County Road 104) at Cedar Meadows Fishing Access Site, then south and east along said road to its junction with State Route 141, then north along said route to its junction with State Route 200, the point of beginning.

Zone 3: Beaverhead, Gallatin, Jefferson, and Madison Counties.

Zone 4: Broadwater County.

Zone 5: Cascade and Teton Counties.

Zone 6: Meagher County.

Utah

Cache County: Cache County.

East Box Elder County: That portion of Box Elder County beginning on the Utah–Idaho State line at the Box Elder–Cache County line; west on the State line to the Pocatello Valley County Road; south on the Pocatello Valley County Road to I–15; southeast on I–15 to SR–83; south on SR–83 to Lamp Junction; west and south on the

Promontory Point County Road to the tip of Promontory Point; south from Promontory Point to the Box Elder–Weber Counties line; east on the Box Elder–Weber Counties line to the Box Elder–Cache Counties line; north on the Box Elder–Cache County line to the Utah–Idaho State line.

Rich County: Rich County.

Uintah County: Uintah and Duchesne Counties.

Wyoming (Pacific Flyway Portion)

Area 1: All of the Bear River and Ham's Fork River drainages in Lincoln County.

Area 2: All of the Salt River drainage in Lincoln County south of the McCoy Creek Road.

Area 3: All lands within the Bureau of Reclamation's Eden Project in Sweetwater County.

Area 5: Uinta County.

All Migratory Game Birds in Alaska

North Zone: State Game Management Units 11–13 and 17–26.

Gulf Coast Zone: State Game Management Units 5–7, 9, 14–16, and 10 (Unimak Island only).

Southeast Zone: State Game Management Units 1–4.

Pribilof and Aleutian Islands Zone: State Game Management Unit 10 (except Unimak Island).

Kodiak Zone: State Game Management Unit 8.

All Migratory Game Birds in the Virgin Islands

Ruth Cay Closure Area: The island of Ruth Cay, just south of St. Croix.

All Migratory Game Birds in Puerto Rico

Municipality of Culebra Closure Area: All of the municipality of Culebra.

Desecheo Island Closure Area: All of Desecheo Island.

Mona Island Closure Area: All of Mona Island.

El Verde Closure Area: Those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for 1 kilometer from the juncture of Routes 186 and 956 south to

Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

Cidra Municipality and adjacent areas: All of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality boundary to the point of the beginning.

Shannon A. Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

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Part IV

Federal Communications Commission

47 CFR Part 10

Wireless Emergency Alerts; Regarding the Emergency Alert System;
Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 10

[PS Docket No. 15–91; PS Docket No. 15–94; DA 24–137 FR ID 210081]

Wireless Emergency Alerts; Regarding the Emergency Alert System

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Public Safety and Homeland Security Bureau (Bureau) seeks comment on specific mechanisms to implement multilingual Wireless Emergency Alerts (WEA), as directed by the Federal Communications Commission. The Bureau proposes to require commercial mobile service providers participating in WEA (Participating CMS Providers) to support a set of pre-translated WEA messages in English, the 13 most commonly spoken languages in the United States, and American Sign Language (ASL), that would be pre-installed and stored on mobile devices. These messages—called templates—would be displayed at the option of the alert originator. The Bureau also seeks comment on support for form-fillable templates that would include information specific to the particular emergency. Finally, the Bureau seeks comment on whether Participating CMS Providers' device offerings should support templates in additional languages.

DATES: Comments are due on or before June 12, 2024 and reply comments are due on or before July 12, 2024.

ADDRESSES: Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing the ECFS: <https://apps.fcc.gov/ecfs/>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice) or 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: For further information regarding this document, please contact Joshua Gehret, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, (202) 418–7816, or by email to joshua.gehret@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's document in PS Docket Nos. 15–91, 15–94, DA 24–137, released February 15, 2024. The full text of this document is available at: <https://docs.fcc.gov/public/attachments/DA-24-137A1.pdf>. An erratum correcting the document was released on April 1, 2024 and is available at <https://docs.fcc.gov/public/attachments/DOC-401561A1.pdf>. A second erratum correcting the document was released on April 29, 2024 and is available at <https://docs.fcc.gov/public/attachments/DOC-402212A1.pdf>.

Ex Parte Rules. The proceeding this document initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the

presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Paperwork Reduction Act Analysis. This document contains proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees. The Bureau does not believe that the new or modified information collection requirements we adopt here will be unduly burdensome on small businesses.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule.

The required summary of this Notice of Proposed Rulemaking/Further Notice of Proposed Rulemaking is available at <https://www.fcc.gov/proposed-rulemakings>.

Synopsis

1. This document proposes requiring Participating CMS Providers to support the display of pre-translated templates of WEA emergency alerts that would display the alert in the thirteen most commonly spoken languages in the United States. The templates would also be available in English and American Sign Language, as well as Arabic, Chinese, French, German, Haitian Creole, Hindi, Italian, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese. The template that would appear would map to the default language of the mobile device, as selected by the subscriber. Participating CMS Providers would be required to support the display of these templates, which would be stored in the mobile device and would trigger a template alert to appear that corresponds with the default language of the mobile device.

Discussion

Identifying Alert Types for Templates

2. We propose that Participating CMS Providers must support the use of the Alert Messages templates listed in Appendix C. As discussed in the *2023 WEA Report and Order*, these templates would be pre-installed and stored on mobile devices. When an alerting authority chooses to send a template-based multilingual alert message, the WEA-capable mobile device must be able to extract and display the relevant template in the subscriber's default language, if the default language the subscriber selected is one of the thirteen most commonly spoken languages or ASL.

3. These templates represent, in the Bureau's analysis, the most commonly issued alerts. In developing the list of templates set forth in Appendix C, the Bureau analyzed publicly available Integrated Public Alert and Warning System (IPAWS) data from 2022. Of the total 8,316 WEA messages sent in 2022, the following messages were sent: 2,325 Tornado Warnings; 2,184 Flash Flood Warnings; 309 Severe Thunderstorm Warnings; 287 Snow Squall Warnings; 202 Dust Storm Warnings; 182 Hurricane Warnings; 126 Storm Surge Warnings; 5 Extreme Wind Warnings; and 467 Test Alerts (including Required Weekly Tests and Required Monthly Tests). The Bureau identified nine alert types that we determined were among the most commonly issued alert types:

Tornado Warning; Flash Flood Warning; Severe Thunderstorm Warning; Snow Squall Warning; Dust Storm Warning; Hurricane Warning; Storm Surge Warning; Extreme Wind Warning; and Test Alert. We adapted the template language for the eight weather-related alerts from templates developed by the National Weather Service (NWS). We adapted the language for the test alert from language previously used by the Federal Emergency Management Agency (FEMA).

4. The templates in Appendix C also include the most time sensitive alerts sent by alert originators. We propose templates for the following nine alert types: Earthquake Warning; Tsunami Warning; Fire Warning; Hazardous Materials Warning; Avalanche Warning; Boil Water Advisory; 911 Outage Warning; Evacuation Immediate; and Shelter in Place Warning. We believe each of these emergencies poses imminent danger to the public and time is of the essence with respect to taking any protective actions. For example, in the event of an earthquake, a ten-second advance warning is crucial for the public to take protective actions that could save lives. We adapted templates for Tsunami Warnings and Shelter in Place Warnings from templates and guidance developed by NWS. The templates for Avalanche Warnings, Fire Warnings, Hazardous Materials Warnings, and 911 Outage Warnings are adapted from research conducted by Dr. Jeannette Sutton. The template for Earthquake Warning is adapted from alerts sent by United States Geological Survey (USGS) through ShakeAlert, and the template for Boil Water Advisory was adapted from guidance created by the Centers for Disease Control and Prevention (CDC). Evacuation Immediate is adapted from alerts sent to the public during the Maui wildfires in August 2023.

5. We seek comment on the proposed templates in Appendix C. Are the alert types we have identified the most commonly used by alerting authorities and the most time sensitive? Are there alerts that are not reflected in this list and should be added? To the extent commenters believe additional alerts should be incorporated or any of the template alerts should be removed, commenters should provide data to support their viewpoint. We recognize that there are alert types that may be commonly used or that are extremely time sensitive but that are not included in Appendix C. For example, in reviewing the IPAWS data, we note that AMBER alerts are among the most commonly issued alerts, and that both AMBER alerts and active shooters alerts

are time sensitive. Both of these alert types, however, typically include specific information to describe the incident. Should we require Participating CMS Providers to support static AMBER alert or active shooter alert templates? If so, what message should be associated with those templates to best ensure its effectiveness? We note that Notify NYC's approach to using template-based alerts for missing children informs the public that there is a missing child and directs the public to a website hosted by Notify NYC with a photo of the missing child along with any other pertinent details. We observe that a static AMBER alert template would likely be unable to include a link to information that is incident-specific. Should we require support for an AMBER alert and active shooter alert templates only in the event that WEA can support form-fillable templates, as discussed in further detail below? Similarly, IPAWS data shows that Local Area Emergencies, Law Enforcement Warnings, and Civil Emergency Messages are common, but often involve messages that are heavily tailored to the nature of the emergency. Can these types of alerts be effectively supported by templates, and if so, what should those templates say?

6. We seek comment on the specific text used in the templates, as well as their translations. Are the templates in Appendix C, and their corresponding translations in Appendix E, drafted in a manner that would be clearly understood by the person receiving it and prompt immediate action? If not, what should be changed? Should any changes be made to the translated templates to improve their accuracy or effectiveness? We ask that commenters offer specific edits to the extent they believe a template message should be modified in any way. As the templates show, we do not limit the templates to 90 or 360 characters, as with alerts sent through IPAWS, because the alerts will not be distributed through IPAWS but instead be stored in the mobile devices directly. We believe allowing additional character length where necessary benefits the public and alerting authorities, as the translations can be accurate without regard to technical limitations regarding the length of the template. We seek comment on this approach. What implementation challenges related to device capabilities and performance, if any, arise from this approach?

7. We seek comment on how the translations for the 13 languages should be conducted. In the *2023 WEA Report and Order*, the Commission required that Participating CMS Providers' WEA-

capable mobile devices support templates in Tagalog. We propose that support for multilingual WEA templates be satisfied through translations into Filipino as provided in Appendix E, and we seek comment on whether WEA-capable mobile devices can enable Filipino as the device's default language. Similarly, we propose template alerts written in simplified Chinese characters and seek comment on this approach. Should we require support for templates written with traditional Chinese characters? Should we require support for both? We also propose template alerts written in the Brazilian dialect of Portuguese. Should we support the European dialect of Portuguese? Should we support both?

8. We observe that certain templates in Appendix C direct recipients to evacuate, but evacuation may not be appropriate for all incidents. Alerting authorities may want to send alerts that direct different behavior from recipients, such as sheltering in place. For example, recommended actions to take during a wildfire may vary depending on the dangers posed by the nature of the fire. Should there be multiple alert templates for each type of time sensitive alert that provides differing instructions to the public? For example, should there be one template for fire warnings that directs the public to evacuate and a second template for fire warnings that directs the public to shelter in place? Is there a public safety benefit to creating multiple templates for a single alert type? Are there any disadvantages to creating multiple templates for a single alert type?

9. We seek comment on whether alerting authorities would benefit from one or more generic alerts on this list, such as "shelter in place" or "evacuate now." Would a template for generic alerts that are not tied to specific types of disasters be beneficial? How should such templates be written? Would a generic template risk causing confusion, panic, or otherwise making an emergency worse? Are recipients likely to follow the instructions provided in a generic template with no context provided as to the nature of the emergency? What impact would a generic template have on milling which has been defined as "(a) Collective behavior may occur when individuals are confused and do not know what to do; (b) when individuals do not know what to do, they look to see what others are doing; (c) when an individual engages in a behavior, others wait to observe the outcome; if no negative consequences occur, observers determine the action is acceptable, increasing the likelihood of others

following suit; and (d) given that most people conform to social norms relevant to their surroundings, people tend to adhere to new emergent group norms[.]'"?

10. We seek comment on whether alerting authorities would benefit from an alert "all-clear" template that would inform the public the danger has passed or the alert is no longer in effect. We recognize that alerting authorities may need to send follow-up alerts to inform the public whether an alert is cancelled, such as in the case of a false alert. It could cause confusion if an initial alert is sent in several languages but an all-clear can only be sent in English. What public safety benefits would an all-clear template confer? When could this sort of template be used? Are there any drawbacks to providing alerting authorities with an all-clear template? If so, what are they? Do all-clear templates risk public confusion if it does not specify which emergency situation has concluded? If so, how should an all-clear template be technically implemented? Should we require support for an all-clear template only in the event that WEA can support form-fillable templates, as discussed in further detail below?

11. We seek comment on whether multilingual templates should be displayed on their own or accompanied by the English-language version of the alert. The Commission recognized those commenters in the record who suggest that the multilingual template-based alert be displayed together with the English-language alert that includes additional details, to promote a fuller understanding of the nature of the emergency. Is it possible to display both a template-based multilingual alert together with an alert originator-issued alert that includes event-specific information? If this is not possible, is there any benefit to displaying two templates, one in English and one in the device's default language?

12. The Commission determined based on the record received in the underlying proceeding that implementing template-based WEAs in multiple languages is feasible. The Commission directed the Bureau to seek comment on whether support for static, multilingual templates can be made available on all mobile devices. Based on the Commission's determination, we believe it is technically feasible for mobile devices to know when to display a template and which template should be displayed. Could said update be done via an over-the-air software update? Could Participating CMS Providers create a new data element that is transmitted upon choosing the template

that will ensure devices display the correct templates? Are there any other ways alerting authorities can cause mobile devices to display the correct template? Would any of these ways require updates to the Commission's rules, such as the creation of new multilingual-specific event codes?

Incorporating Event-Specific Information Into Fillable Alert Templates

13. In the 2023 WEA Report and Order, the Commission directed the Bureau to seek comment on whether templates can be customizable to include event-specific information. We seek comment on whether this is feasible. In doing so, we recognize and seek to address concerns about static templates that were raised in the record of the underlying proceeding. For example, AT&T stated that static templates limit the ability "to tailor the alert messages to unique emergency events or particular wireless users." Michigan State Police Operations Management Section (OMS) stated that static templates would reduce flexibility in "crafting regional and culturally relevant messages." What are the benefits of including event-specific information in templates? Are there situations where a static template is more beneficial to alerting authorities? Will it take longer to send or display alerts containing event-specific information compared to static templates? If so, does the benefit of event-specific information outweigh any potential delay?

14. We seek comment on the incorporation of four fillable elements: Sending Agency, Area Affected, Expiration Time, and (if desired) a URL. The first three elements are drawn from the five mandatory Common Alerting Protocol (CAP) elements required in each WEA message: Event Type, Area Affected, Recommended Action, Expiration Time (with time zone), and Sending Agency. We observe the remaining two required CAP elements, Event Type and Recommended Action, are already included in the static alert templates we propose in Appendix C. We believe these elements will inform recipients that an alert is authoritative, and whether an alert is relevant to the recipient and for how long. Research indicates that when the public receives this information, they are much more likely to take the protective actions described in the alert. In addition, the ability to include a tappable URL will afford alerting authorities greater flexibility to include additional information directing the user to a web page of their choosing, should the

alerting authority wish to include it. We seek comment on this approach, as well as the proposed fillable templates provided in Appendix D. Are these the right elements to include in alert templates to improve their flexibility and effectiveness?

15. We seek comment on the technical feasibility of this approach. How could Participating CMS Providers enable alerting authorities to include event-specific information in templates? We anticipate that, with certain changes to standards discussed below, Participating CMS Providers should be able to support the identification and transmittal of these four customizable elements, either as discrete data parameters sent to the phone or as specific locations within the text of the alert, which would be input into the templates residing on the devices. The fillable elements could then be input into the translated alert templates. We seek comment on this approach and any changes or additions to standards needed for its implementation. Are there any additional solutions that would support the delivery of fillable alerts to WEA-capable mobile devices? Is it technically possible to update all WEA-capable devices currently in use by subscribers to support fillable templates? If not, commenters should provide specific technical reasons why particular models of devices cannot be updated to support this functionality. How would fillable templates need to be implemented to avoid having negative effects on the delivery of alerts to WEA-capable devices that cannot support that capability?

16. We anticipate that fillable elements would not be translated into the displayed template language. For example, if the alert originator fills in the blanks of the template in English, a WEA-capable device would receive the alert in their chosen language with the exception of those particular fields, which would appear in the language the alert originator used—likely English. We believe that this approach would greatly reduce the burdens associated with implementing fillable alert templates and will minimize confusion caused by improper translations. For example, we believe it would be confusing if the formal names of alert originators were to be translated into other languages. Similarly we believe it may cause confusion if the names of roads, cities, counties, states, or other names indicating a specific location were to be translated into other languages. We also note that such an approach would likely require the use of machine translation, which the Commission declined to adopt based on the record in the

underlying proceeding demonstrating that machine translation “is not yet ripe for use today in WEA.” We also believe that expiration times and URL addresses must not be translated. We seek comment on this approach. Do any technical difficulties arise in displaying a single alert that uses multiple character sets? Would these alerts be understandable in languages read from right to left instead of left to right, such as Arabic, or languages with different grammatical structures? Should we consider translating these elements and, if so, is there a way to reliably translate them into the languages of the templates into which they will be inserted? What would be the additional burden of translating fillable templates?

Considerations for American Sign Language

17. We seek comment on the implementation of ASL templates. The Commission requires Participating CMS Providers’ WEA-capable mobile devices to provide subscribers with the ability to opt-in to receive ASL alerts. The Commission stated that “the user’s voluntary selection of the option to receive WEAs in ASL [could] trigger the mobile device to download ASL templates to the device.” A consumer who opts in to receiving emergency messages in ASL will override the preferred language setting on a user’s phone. Should we require Participating CMS Providers to support a minimum resolution or video quality for the ASL video templates to ensure they are easily understandable to the recipient? Because of varying WEA-capable device sizes, is there a single standard that could be adopted across different devices? Are there any other implementation factors the Bureau should consider to promote the effectiveness of ASL templates?

18. We seek comment on the illustrative videos of ASL translations, which are hyperlinked in Appendix E. We note that these videos are illustrative examples of how the alert messages may be translated into ASL. Like the other translations in Appendix E, these videos are not the final versions of ASL translations that Participating CMS Providers would be required to support. Such videos will be produced based on the feedback received in the comments to this proceeding. Are the ASL translations effective at conveying the template alert message? Are any of the alerts too long when conveyed in ASL, especially when an emergency is particularly time-sensitive? If so, how can the information be effectively conveyed to an ASL speaker in a shorter amount of time? Do the demo-only ASL

videos convey the same information as the written English text? If not, what elements of the ASL videos need to be modified?

19. We seek comment on whether there are specific qualifications the video signer should have to ensure the translations are effective. Telecommunications for the Deaf and Hard of Hearing, Inc. et al. urge the Commission to produce “videos of ASL interpreters . . . using deaf talent and/or deaf interpreters that are native users of ASL to ensure that information is fluently communicated” and “achieve the widest range of comprehension for ASL users in a WEA’s targeted area.” Aside from the recommendation to use deaf talent and deaf signer(s) who are native users of ASL, what other qualifications should the Commission consider in selecting a signer to present the ASL templates? For example, should we consider deaf talent who have previous experience in signing emergency alert messages? Should the video signer be a “certified deaf interpreter”? Are there any best practices or guidelines that should be used in selecting the signer for ASL video templates? Are there specific settings that should be used for filming the videos, for example, the color of the background? Are there examples of similar ASL videos that we should review for guidance? Should the same signer be used for every ASL template? Should there instead be more than one signer, and if so, why? Are there regional variations in ASL that we should take into account in preparing the final ASL videos, and, if so, how can we create the most universally accessible video for an alert to reach the widest range of ASL speakers? Are there other factors we should consider to make the ASL templates accessible to the widest possible audience?

20. We seek comment on whether videos for ASL alerts should be accompanied by the English text of the alert as indicated by the demo-only ASL videos linked in Appendix E. The demo-only videos include English captions at the bottom of the video screen. Should this formatting be retained in the final translations? Would inclusion of the English text improve the ability of the recipient to understand the alert? If so, how should the accompanying English alert be presented? Instead of the English text being captioned in the video itself, should there be an independent video crawl or block text, similar to how it is displayed for the Emergency Alert System? Would a separate captioning stream provide additional benefits to people with disabilities, such as those

who use refreshable braille displays? Because the Commission required that opting to receive alerts in ASL overrides the other language defaults on a mobile device, are there issues with having the text crawl appear only in English? Should WEA-capable devices support the overlaying of additional languages onto the video of ASL alerts? If so, how should the language of the overlaid text be determined (e.g., by the device's default language) and how could it be technically implemented?

21. We seek comment on whether and how fillable templates could support ASL alerts. We note that, due to the nature of ASL video templates, it may not be possible for fillable elements to be directly inserted into ASL templates like they can for text-based alerts. Would it be technically feasible to overlay event-specific information in the device's default language over an ASL video alert message? Would an English text crawl, including the Sending Agency, Area Affected, Expiration Time, and URL, be confusing if it does not match exactly with what is being conveyed in ASL (e.g., if it is not feasible to adopt a form-fillable approach to ASL and a more fulsome alert-originator issued text crawl in English accompanies the static ASL video)? Are there any other ways event-specific information could be inserted in ASL templates without overwhelming the user with excessive or duplicate text?

Supporting Additional Languages

22. The Commission directed the Bureau to seek comment on whether to require Participating CMS Providers to support templates in additional languages, and if so, what those languages should be. The 13 languages the Commission selected were the most commonly spoken in the United States, based on Census data, and ASL was selected based on a robust record of support in the *2023 WEA FNPRM*. However, the record also reflected concern that these languages would be insufficient to address alerting authorities' needs. The Attorneys General commented that WEAs should "be transmitted in all languages estimated to be spoken by at least 300,000 people in the U.S. over five years old[.]" Alternately, the Attorneys General suggest WEA messages should be translated "in any additional languages for which there are at least an estimated 25,000 individuals over the age of five years old nationwide (based on the most recent American Community Survey data) who have especially high rates of [limited English proficiency], i.e., those who report

speaking English either 'not at all' or 'not well.'" Other commenters suggest that a nationwide approach to selecting additional languages may not meet the needs of the local jurisdiction. Looking to another context, we observe that the United States Census Bureau uses yet another approach for determining in which languages to make its census materials available. The Census Bureau translated its materials into languages spoken by at least 2,000 limited-English-speaking households. The Census Bureau defined limited-English-speaking household as: "no member 14 years old and over speaks only English at home or speaks a language other than English at home and speaks English 'very well.'" 23. We seek comment on whether template-based alerts should be translated into additional languages and, if so, which ones? Is there a particular approach that would be best utilized to identify any additional languages? Should multiple approaches be used? Are there other factors we should consider? How do we assess what constitutes a high rate of limited English proficiency (LEP)? We observe that there are some jurisdictions with heavy concentrations of LEP communities who speak a language that may not be included in either approach proposed by the Attorneys General. To what extent should template-based alerts be considered for languages that are not currently supported by widely available mobile devices? We observe, for example, that default languages available for Android devices may differ from default languages available for iPhone devices.

24. We seek comment on whether there are any limitations on the ability for WEA-capable devices to add templates for additional languages. Can additional languages be added over the air through software and firmware patches? What devices currently on the market would be able to be updated to support additional languages? 25. We seek comment on the timeframe in which additional languages could be supported. In the *2023 WEA Report and Order*, the Commission determined that 30 months was a reasonable period to implement the templates for the 13 languages, English, and ASL. The 30-month period would run from the date of publication in the **Federal Register** of the Bureau-level Order and associated rules addressing the implementation matters raised in this document. We believe that the implementation of templates in additional languages will likely rely on the same standards and approach to implementation as the original 13

languages, which will minimize the amount of necessary implementation time. We also believe that over-the-air software updates can enable additional languages and corresponding templates to be added to WEA-capable mobile devices. We seek comment on these beliefs, as well as specific estimates for how much additional time would be needed to implement additional languages.

26. As explained by the Commission, in order for multilingual WEA to reach the intended recipient, users of cellular devices must first set their phones to the default language of their choice. The Commission directed the Bureau to work with the Consumer and Governmental Affairs Bureau to create a consumer guide explaining how to do so, translated into the 13 languages adopted in the *2023 WEA Report and Order* and ASL. We seek comment on what approaches the Bureau should take to maximize the effect and reach of the guides. What information is essential to include in such a guide? How should the guides be shared with the public? What role can alert originators play in sharing this information within their jurisdictions? Would these guides need to be tailored to specific makes and models of devices used by consumers? Should Participating CMS Providers also be developing guidance on multilingual WEA templates for their customers, and if so, what information should it include and how should it be shared?

Future Updates To Alert Types, Templates, and Languages

27. We seek comment on the process by which the Bureau might update, supplement, or otherwise require improvements for templates. Should there be a process in place for alerting authorities to request that the Bureau require new alert types or support additional languages? Should such requests be filed in the Commission's WEA docket? We anticipate that the Bureau would provide notice of such changes and an opportunity for comment prior to implementing such changes. Alternatively, should the Bureau periodically reassess the effectiveness of templates and seek comment on whether any modifications or additional languages are necessary? If so, how frequently should the Bureau make that assessment, balancing alert originator needs with the administrative burden of conducting such an analysis, as well as any potential costs to Participating CMS Providers?

Assessing the Benefits and Costs

28. The Commission directed the Bureau to seek comment on the costs of supporting additional languages and to designate additional languages that should be supported via multilingual templates to the extent they would be minimally burdensome to implement. The Commission also directed the Bureau to seek comment on the feasibility of implementing customizable, form-fillable alerts. Accordingly, we seek comment on the incremental benefits and costs of supporting customizable templates, as well as the cost of implementing additional languages.

29. *Benefits of Fillable Templates.* We seek comment on the benefits of allowing customization of multilingual alerts by leveraging form-fillable templates. Researchers have determined that there are five essential elements for complete and effective emergency alert messages: (1) identifying the threat and its consequences; (2) guidance on what to do; (3) the location; (4) the time the public has to respond; and (5) the name of the message sender. Decades of research demonstrates the importance of these five elements for imminent and unfamiliar hazards. We believe form-fillable templates incorporating these elements would enable alerting originators to send more detailed and personalized alert messages with key information to users who will receive the translated template alert, which will help them take more effective protective actions. Therefore, we believe that considerable benefits to the safety of life and property would result from being able to take more effective protective action as a result of fillable templates. We recognize that these benefits would be particularly acute not only for speakers of the thirteen most commonly spoken languages, but also for ASL speakers, underscoring the importance of an effective way to customize alerts. We seek comment on these beliefs.

30. *Cost of Implementing Fillable Templates.* We anticipate that implementation of form-fillable templates would require similar costs to implementing static templates. In the *2023 WEA Report and Order*, the Commission determined the costs for implementing static templates. To implement static templates, Participating CMS Providers will need to determine what changes are required with respect to storage, standards, processes, and devices. Participating CMS Providers would need to make determinations on those same issues to implement fillable templates. The implementation of static templates

would also require software development, testing, and deployment, which are the same processes that would be needed to implement fillable templates. The Commission estimated that the highest cost needed to comply with the *2023 WEA Report and Order* was \$42.4 million, and we tentatively conclude that this cost ceiling is applicable to both static and fillable templates, regardless of which approach is adopted, due to similarities in the modifications and timelines necessary for implementation. Given the significant public safety benefits of supporting fillable templates to create more effective alerts and that the costs of implementing fillable templates are inclusive of the costs of implementing static templates, we tentatively conclude that the benefits of fillable templates instead of static templates outweigh the marginal costs. We seek comment on this conclusion. To the extent that comments disagree with this conclusion, we ask them to include specific data and timelines distinguishing the costs of fillable templates from the Commission's cost estimate. Are there other approaches to implementing multilingual templates that we should consider that are more efficient and less burdensome, including for small entities?

31. *Costs of Supporting Additional Languages.* In the *2023 WEA Report and Order*, the Commission found that significant benefits arise from Participating CMS Providers supporting multilingual WEA. The Commission directed the Bureau to seek comment on the costs of supporting multilingual WEA alerts in additional languages beyond the ones already adopted, and directed the Bureau to designate additional languages to the extent they would be minimally burdensome to implement. For purposes of this analysis, we propose to define "minimally burdensome" as the necessary cost to add one new language to existing WEA standards, update software to add support for that language's templates, and conduct any necessary testing. We anticipate that the standards and software that can be developed to implement multilingual WEA will be designed to accommodate and streamline the addition of new languages as they are needed. We also believe that because Participating CMS Providers routinely release software updates to their network infrastructure, the costs of new multilingual templates to WEA-capable mobile devices could be minimized by adding them as part of a regularly scheduled update. As a result, we expect that the cost of

implementing a single language would either be extremely low or negligible, as identified by the Commission.

32. We propose that we would find the addition of a new language to be more than minimally burdensome to the extent that its implementation would necessitate significant and atypical costs beyond those in the steps identified by the Commission and described above. We seek comment on these proposals. Do commenters anticipate, as we do, that standards and software for multilingual WEA alert templates be developed also in a way that supports and minimizes the costs of implementing additional languages? What specific changes to standards and software would be necessary to support additional languages after the languages required by the *2023 WEA Report and Order* are implemented? Would any actions beyond those described above be necessary for the successful implementation of additional templates? What should the compliance timeframe be for implementing templates for additional languages to best balance the public safety interest in rapid deployment and the minimizing burdens for providers? For any costs that commenters believe would rise above "minimally burdensome," we ask commenters to provide specific estimates along with the assumptions underlying those estimates.

Promoting Digital Equity and Inclusion

33. To the extent not already addressed, the Commission, as part of its continuing effort to advance digital equity for all, including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations and benefits (if any) that may be associated with the proposals and issues discussed herein. Specifically, we seek comment on how our inquiries may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well the scope of the Commission's relevant legal authority.

Procedural Matters

34. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." Accordingly, we have prepared a Supplemental

Regulatory Flexibility Analysis (Supplemental IRFA) concerning the possible impact of the rule and policy changes contained in this document. The Supplemental IRFA for the rules proposed in the document was prepared and can be found below and as Exhibit B of the FCC's document, DA 24-137, adopted February 15, 2024, at this link: <https://docs.fcc.gov/public/attachments/DA-24-137A1.pdf>. Written public comments are requested on the Supplemental IRFA. Comments must have a separate and distinct heading designating them as responses to the Supplemental IRFA and must be filed by the deadlines for comments on the first page of this document.

35. *Supplemental Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Bureau has prepared this Supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA) of the possible significant economic impact on small entities of the policies and rules discussed in this document to supplement the Commission's Initial and Final Regulatory Flexibility Analyses completed in the Wireless Emergency Alerts, Amendments to Part 11 of the Commissions' Rules Regarding the Emergency Alert System, PS Docket Nos. 15-91 and 15-94, Further Notice of Proposed Rulemaking, FCC 23-30, Appx. B at 53-81, paras. 1-79 (Apr. 23, 2023) (*2023 WEA FNPRM*) released in April 2023, and the Wireless Emergency Alerts, Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System, PS Docket Nos. 15-91 and 15-94, Third Report and Order, FCC 23-88, Appx. B at 43-69, paras. 1-67 (Oct. 20, 2023) (*2023 WEA Report and Order*) released in October 2023. Written public comments are requested on this Supplemental IRFA. Comments must be identified as responses to the Supplemental IRFA and must be filed by the same deadline for comments specified on the first page of this document. The Bureau will send a copy of this document, including this Supplemental IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, this document and Supplemental IRFA (or summaries thereof) will be published in the **Federal Register**.

36. *Need for, and Objectives of, the Proposed Rules.* Pursuant to the Commission's directive in the 2023 WEA Report and Order, in this document the Bureau has identified and proposed a group of the most common WEA message alerts and the most time sensitive alerts for support via template

which would be pre-installed and stored on devices by Participating CMS Providers in English, the 13 most commonly spoken languages in the U.S. (Arabic, Chinese, French, German, Haitian Creole, Hindi, Italian, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese), and ASL. These templates, which would be displayed at the option of the alert originator, will enable alerting authorities to reach communities during emergency situations that would otherwise not understand an alert by providing WEA alerts and potentially life-saving emergency information in one of the languages identified above. Millions of people living in the United States do not primarily speak (and likely do not understand) English or Spanish, and an estimated one-in-four U.S. adults have some form of disability. Therefore, the accurate translation of emergency information is critical for alerting authorities to have confidence in the emergency alert information in the transmitted language, and that the alert will be understood by the target community.

37. Consistent with and in furtherance of the Commission's priority that WEA as an effective live-saving tool be accessible to as many people as possible, in this document the Bureau seeks comment on whether Participating Commercial Mobile Service (CMS) Providers should be required to support templates in additional languages, and how additional languages can be selected for WEA support. At the Commission's direction, the Bureau also seeks comment on the costs to support WEA alerts in languages beyond those already required, and seeks to designate additional languages that are minimally burdensome to implement. The scope of the costs included in the Bureau's proposed definition of "minimally burdensome" encompass the costs to add one new language to current WEA standards, software updates to add support for the language's template, and necessary testing. The Bureau also proposes form-fillable templates that would include emergency specific information and seeks comment on the technical implementation of the templates. The Bureau also seeks comment on how to best implement ASL templates.

38. *Legal Basis.* The proposed action is authorized under sections 1, 2, 4(i), 4(n), 301, 303(b), 303(e), 303(g), 303(j), 303(r), 307, 309, 316, 403, and 706 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(n), 301, 303(b), 303(e), 303(g), 303(j), 303(r), 307, 309, 316, 403, 544(g), and 606; the Warning Alert and

Response Network (WARN) Act, WARN Act §§ 602(a), (b), (c), (f), 603, 604, and 606, 47 U.S.C. 1201(a),(b),(c), (f), 1203, 1204 and 1206, the Wireless Emergency Alerts, Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System, PS Docket Nos. 15-91 and 15-94, Third Report and Order, FCC 23-88 (2023), and 47 CFR 0.5(c), 0.191(e), 0.201, 0.204, and 0.392.

39. *Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply.* The RFA directs agencies to provide a description and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act." A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

40. As noted above, Regulatory Flexibility Analyses were incorporated into the *2023 WEA FNPRM* and the *2023 WEA Report and Order*. In those analyses, the Commission described in detail the small entities that might be significantly affected. Accordingly, in this document, for the Supplemental IRFA, we adopt by reference the descriptions and estimates of the number of small entities from the previous Regulatory Flexibility Analyses in the *2023 WEA FNPRM* and the *2023 WEA Report and Order*.

41. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* The Bureau expects the actions proposed in this document with respect to the creation of WEA templates in English, the 13 most commonly spoken languages in the U.S., and ASL will not impose additional reporting and recordkeeping on small entities who are Participating CMS Providers voluntarily participating in WEA. We note that the obligations regarding these templates were detailed and adopted by the Commission in the *2023 WEA Report and Order*. This document serves to develop the parameters for how these obligations must be implemented. The Bureau proposes a list of specific multilingual templates representing the most commonly utilized and the most time sensitive alert types, the costs of which are included in the *2023 WEA Report and Order*. The proposals and

discussions in the document include potential compliance requirements for small and other Participating CMS Providers to support template alerts written in other languages; to support minimum video resolution or video quality for ASL video templates; or the inclusion of multiple templates for a single type of alert. This document also seeks comment on whether Participating CMS Providers should be required to support static or fillable templates, the costs of which the Commission has already identified in the *2023 WEA Report and Order*. The Bureau's discussion of this potential requirement included the feasibility of including event-specific information in templates; the incorporation of Sending Agency, Area Affected, Expiration Time and a URL as the fillable template elements; and whether, and if so, how fillable templates can be used for ASL alerts.

42. The Commission directed the Bureau to seek comment on the costs of supporting multilingual WEA alerts in additional languages beyond the ones already adopted, and directed the Bureau to designate additional languages to the extent they would be minimally burdensome to implement. We discuss the Bureau's proposed definition of "minimally burdensome" above in the Supplemental IRFA, and the scope of the costs included in the definition for purposes of this analysis. The three elements we have identified to add one additional new language are: adding a new language to current WEA standards; updating software to add support for the language's template; and testing. We expect very minimal or negligible implementation costs for several reasons. The Bureau believes the standards and software developed for multilingual WEA will be designed to accommodate and streamline the future addition of new languages. Further, by implementing any additional new language templates as a regularly scheduled update with routinely released software updates, the costs for small and other Participating CMS Providers can be minimized.

43. In the document, we note that in the *2023 WEA Report and Order* the Commission estimated \$42.4 million as the maximum cost ceiling for implementation of the templates in English, the 13 most commonly spoken languages in the U.S., and ASL. This estimate included the costs for both static and fillable templates which we address in the document. Regarding compliance costs for small entities, we further note that Participating CMS Providers will not be responsible for the costs of translating templates and will only be required to support additional

template languages if the costs for such additions will be minimally burdensome. For these reasons, we expect the proposed actions in the document, if adopted, to be a minimal burden for small entities and we do not expect that small entities will have to hire professionals to implement any requirements that may be adopted.

44. To help the Bureau more fully evaluate the cost of compliance for small entities should its proposals be adopted, in this document, we request comments on the cost implications of our proposals and ask whether there are more efficient and less burdensome alternatives (including cost estimates) for the Bureau to consider. We expect the information we received in comments including cost and benefit analyses, to help the Bureau identify and evaluate relevant matters for small entities, including compliance costs and other burdens that may result from the proposals and inquiries we make in the document.

45. *Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small businesses, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): "(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities."

46. The Bureau is mindful that in meeting its duty to develop the nation's emergency preparedness by making WEA more accessible, small entities may incur costs. In the preceding paragraph, we note that the costs for template development and implementation addressed in this document for the already designated languages were included in the costs for Participating CMS Providers associated with implementing the *2023 WEA Report and Order*. We believe that because the Commission is responsible for the costs of translating templates, a significant step has been taken to help reduce the impact on small entities. The Bureau's development of the proposed templates in Appendices C and D, whether to require additional alerts such as AMBER alerts (a time-sensitive,

commonly issued alert), or to require time-sensitive active shooter alerts are alternatives the Bureau has considered. The Bureau seeks comment on these alternatives as well as whether to require support for an AMBER alert or active shooter alert template only in the event that WEA can support form-fillable templates. Other alternatives we considered and seek comment on in the document are whether the required templates should include multiple alert templates for each type of time-sensitive alert directing different actions, such as to shelter in place or to evacuate; a template for generic alerts that are not tied to specific types of disasters; and an all-clear template. The Bureau also considered whether multilingual templates should be displayed in only the designated language, or whether the alert should contain a version of the alert in English. Further, for ASL alerts, in assessing whether and how templates could work, we inquired whether it is technically feasible to overlay event-specific information in a device's default language over an ASL video alert message.

47. Participating CMS Providers are only required to support additional languages if the costs of the addition will be minimally burdensome. This should significantly minimize the impact of any additional language template support that may subsequently be required. Any language deemed beyond minimally burdensome—which the Bureau proposes to define as imposing significant and atypical costs beyond those discussed in the *2023 WEA Report and Order* and defined in this document—would not be required to be supported under this approach. Alternatives the Bureau considered in evaluating additional language template requirements include whether a single approach or multiple approaches should be used to determine additional template languages, and whether there are any limitations on the ability of additional language templates to be added to WEA-capable devices. Additionally, we discussed and seek comment on whether there is a need for a process for alerting authorities to request that the Bureau require new alert types, or support of additional template languages, where such requests would be made by a filing in the Commission's WEA docket, and subject to notice and comment. Alternatively, we asked whether the Bureau should periodically review the effectiveness of the existing alert templates, and seek comment on whether any changes or new languages are needed.

48. *Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules.* None.

Appendix C

The English proposed static alert templates are below; the full text of this document is available here: [https://](https://docs.fcc.gov/public/attachments/DA-24-137A1.pdf)

docs.fcc.gov/public/attachments/DA-24-137A1.pdf; and also separately available here: <https://www.fcc.gov/sites/default/files/Proposed-English-Static-Alert-Templates.pdf>.

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	TORNADO EMERGENCY. Tornado spotted in this area. This is a life-threatening situation. Take shelter now in a basement or an interior room on the lowest floor of a sturdy building. If you are outdoors, in a mobile home, or in a vehicle, move to the closest substantial shelter and protect yourself from flying debris. Check media.
Flash Flood Warning	A FLASH FLOOD EMERGENCY in effect for this area. This is an extremely dangerous and life-threatening situation. Do not attempt to travel unless you are fleeing an area subject to flooding or under an evacuation order.
Severe Thunderstorm Warning.	SEVERE THUNDERSTORM WARNING in effect for this area for DESTRUCTIVE 80 mile per hour winds. Take shelter in a sturdy building, away from windows. Flying debris may be deadly to those caught without shelter.
Snow Squall Warning	SNOW SQUALL WARNING in effect for this area. Slow down or delay travel! Be ready for a sudden drop to near zero visibility and icy roads in heavy snow.
Dust Storm Warning	DUST STORM WARNING for this area. Be ready for sudden drop to zero visibility. Pull Aside, Stay Alive! When visibility drops, pull far off the road and put your vehicle in park. Turn the lights off and keep your foot off the brake. Infants, the elderly and those with respiratory issues urged to take precautions.
Hurricane Warning	A HURRICANE WARNING is in effect for this area for dangerous and damaging winds. This warning is issued up to 36 hours before hazardous conditions begin. Urgently complete efforts to protect life and property. Have food, water, cash, fuel, and medications for 3+ days. FOLLOW INSTRUCTIONS FROM LOCAL OFFICIALS.
Storm Surge Warning	A STORM SURGE WARNING is in effect for this area for the danger of life-threatening flooding. This warning is issued up to 36 hours before hazardous conditions begin. Urgently complete efforts to protect life and property. Follow evacuation orders if given for this area to avoid drowning or being cut off from emergency services.
Extreme Wind Warning	An EXTREME WIND WARNING is in effect for this area for the immediate danger of life-threatening winds. Take cover NOW in an interior room of a sturdy building, away from windows. Protect your head from flying debris. Do NOT go out in the calm of the hurricane eye! Winds will quickly become dangerous again.
Test Alert	THIS IS A TEST of the National Wireless Emergency Alert System. The purpose is to maintain and improve alert and warning capabilities at the federal, state, local, Tribal and territorial levels and to evaluate the nation's public alert and warning capabilities. No action is required by the public.
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	TSUNAMI WARNING. A series of powerful waves and strong currents may impact coasts near you. You are in danger. Get away from coastal waters. Move to high ground or inland now. Keep away from the coast until local officials say it is safe to return.
Earthquake Warning	EARTHQUAKE DETECTED! Drop, Cover, Hold On. Protect Yourself.
Boil Water Advisory	BOIL WATER ALERT issued for your area. Water in your community can make you sick. Use bottled water if available. Do not drink, cook with, brush your teeth with, or clean your home with tap or filtered water until you boil it. Bring water to a full rolling boil for THREE MINUTES. Let water cool before use. Do not use ice made with water that has not been boiled. If you use formula to feed your child, use ready-to-use formula. Make sure pets do not drink water that has not been boiled. Check local media.
911 Outage Alert	911 OUTAGE ALERT in this area. Please contact police, fire, medical, or other emergency services directly at their local phone numbers in case of emergency. If you dial 911, you may not get help.
Avalanche Warning	AVALANCHE WARNING in this area. Unstable, fast-moving snow can happen quickly, causing injury or death and can block roads and damage property in affected areas. LEAVE this area. DO NOT return to area after evacuation until directed by local officials. Travel in avalanche terrain is not recommended. Avalanches may run long distances.
Fire Warning	FIRE WARNING in this area. Evacuate your family and pets now, do not delay. Visibility in area will be reduced and roads can become blocked. If you do not leave now, you could be trapped, injured, or killed. Expect reduced visibility, heavy smoke, and difficulty breathing. Be careful when driving. Watch for public safety personnel operating in the area and follow their instructions.
Hazardous Materials Warning.	A HAZARDOUS MATERIALS release has occurred in your area. Exposure may cause difficulty breathing, loss of coordination, burning sensation in eyes, nose, throat, or lungs, nausea, and possibly death. LEAVE this area. IF DRIVING to evacuate area, keep car windows and vents closed. DO NOT return to area after evacuation until directed by local officials.
Evacuation Immediate	EVACUATE IMMEDIATELY. Evacuation order issued in your area. Evacuate your family and pets now, do not delay. Watch for public safety personnel operating in the area and follow their instructions.
Shelter in Place Warning ...	SHELTER IN PLACE WARNING issued in your area. Danger in your area. Go inside to an interior room, close the doors and windows, and stay where you are. Check local media. Stay alert and use caution.

Appendix D

The English version of the proposed form-fillable alert templates are

available below; the full text of this document is available here: [https://](https://docs.fcc.gov/public/attachments/DA-24-137A1.pdf)

here: <https://www.fcc.gov/sites/default/files/Proposed-English-Form-Fillable-Alert-Templates.pdf>.

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: TORNADO EMERGENCY in [LOCATION] until [TIME]. Tornado spotted in this area. This is a life-threatening situation.. Take shelter now in a basement or an interior room on the lowest floor of a sturdy building. If you are outdoors, in a mobile home, or in a vehicle, move to the closest substantial shelter and protect yourself from flying debris. Check media. [URL]
Flash Flood Warning	[SENDING AGENCY]: A FLASH FLOOD EMERGENCY is in effect for [LOCATION] until [TIME]. This is an extremely dangerous and life-threatening situation. Do not attempt to travel unless you are fleeing an area subject to flooding or under an evacuation order. [URL]
Severe Thunderstorm Warning.	[SENDING AGENCY]: SEVERE THUNDERSTORM WARNING in effect for [LOCATION] until [TIME] for DESTRUCTIVE 80 mile per hour winds. Take shelter in a sturdy building, away from windows. Flying debris may be deadly to those caught without shelter. [URL]
Snow Squall Warning	[SENDING AGENCY]: Snow Squall Warning for [LOCATION] until [TIME]. Slow down or delay travel! Be ready for a sudden drop to near zero visibility and icy roads in heavy snow. [URL]
Dust Storm Warning	[SENDING AGENCY]: DUST STORM WARNING for [LOCATION] until [TIME]. Be ready for sudden drop to zero visibility. Pull Aside, Stay Alive! When visibility drops, pull far off the road and put your vehicle in park. Turn the lights off and keep your foot off the brake. Infants, the elderly and those with respiratory issues urged to take precautions. [URL]
Hurricane Warning	[SENDING AGENCY]: A HURRICANE WARNING is in effect for [LOCATION] for dangerous and damaging winds in effect until [TIME]. This warning is issued up to 36 hours before hazardous conditions begin. Urgently complete efforts to protect life and property. Have food, water, cash, fuel, and medications for 3+ days. FOLLOW INSTRUCTIONS FROM LOCAL OFFICIALS. [URL]
Storm Surge Warning	[SENDING AGENCY]: A STORM SURGE WARNING is in effect for [LOCATION] for the danger of life-threatening flooding until [TIME]. This warning is issued up to 36 hours before hazardous conditions begin. Urgently complete efforts to protect life and property. Follow evacuation orders if given for this area to avoid drowning or being cut off from emergency services. [URL]
Extreme Wind Warning	[SENDING AGENCY]: An EXTREME WIND WARNING is in effect for [LOCATION] for the immediate danger of life-threatening winds until [TIME]. Take cover NOW in an interior room of a sturdy building, away from windows. Protect your head from flying debris. Do NOT go out in the calm of the hurricane eye! Winds will quickly become dangerous again. [URL]
Test Alert	THIS IS A TEST of the National Wireless Emergency Alert System sent by [SENDING AGENCY]. The purpose is to maintain and improve alert and warning capabilities at the federal, state, local, Tribal and territorial levels and to evaluate the nation's public alert and warning capabilities. No action is required by the public. [URL]
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	[SENDING AGENCY]: TSUNAMI WARNING for [LOCATION] is in effect until [TIME]. A series of powerful waves and strong currents may impact coasts near you. You are in danger. Get away from coastal waters. Move to high ground or inland now. Keep away from the coast until local officials say it is safe to return. [URL]
Earthquake Warning	EARTHQUAKE DETECTED! Drop, Cover, Hold On. Protect Yourself. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: BOIL WATER ALERT issued for [LOCATION] is in effect until [TIME]. Water in your community can make you sick. Use bottled water if available. Do not drink, cook with, brush your teeth with, or clean your home with tap or filtered water until you boil it. Bring water to a full rolling boil for THREE MINUTES. Let water cool before use. Do not use ice made with water that has not been boiled. If you use formula to feed your child, use ready-to-use formula. Make sure pets do not drink water that has not been boiled. [URL]
911 Outage Alert	[SENDING AGENCY]: 911 OUTAGE ALERT in [LOCATION] until [TIME]. Please contact police, fire, medical, or other emergency services directly at their local phone numbers in case of emergency. If you dial 911, you may not get help. [URL]
Avalanche Warning	[SENDING AGENCY]: AVALANCHE WARNING in effect in [LOCATION] is in effect until [TIME]. Unstable, fast-moving snow can happen quickly, causing injury or death and can block roads and damage property in affected areas. LEAVE areas near [LOCATION]. DO NOT return to area after evacuation until directed by local officials. Travel in avalanche terrain is not recommended. Avalanches may run long distances. [URL]
Fire Warning	[SENDING AGENCY]: FIRE WARNING in [LOCATION] is in effect until [TIME]. Evacuate your family and pets now, do not delay. Visibility in area will be reduced and roads can become blocked. If you do not leave now, you could be trapped, injured, or killed. LEAVE areas near [LOCATION]. Expect reduced visibility, heavy smoke, and difficulty breathing. Be careful when driving. Watch for public safety personnel operating in the area and follow their instructions. [URL]
Hazardous Materials Warning.	[SENDING AGENCY]: A HAZARDOUS MATERIALS release has occurred at [TIME] in [LOCATION]. Exposure may cause difficulty breathing, loss of coordination, burning sensation in eyes, nose, throat, or lungs, nausea, and possibly death. LEAVE areas near [LOCATION]. IF DRIVING to evacuate area, keep car windows and vents closed. DO NOT return to area after evacuation unless directed by local officials. [URL]
Evacuation Immediate	[SENDING AGENCY] has issued an evacuation order for [LOCATION] in effect until [TIME]. Evacuate your family and pets now, do not delay. Watch for public safety personnel operating in the area and follow their instructions. [URL]
Shelter in Place Warning ...	[SENDING AGENCY] issued a shelter in place warning for [LOCATION] is in effect until [TIME]. Danger in your area. Go inside to an interior room, close the doors and windows, and stay where you are. Stay alert and use caution. [URL]

Appendix E
American Sign Language Translation

The translations for American Sign Language are located here: <https://www.fcc.gov/wireless-emergency-alert-templates-american-sign-language-asl>.

We note that these videos are illustrative examples of how the alert

messages may be translated into ASL. These videos are not the final videos of ASL translations that Participating CMS Providers would be required to support, and they should not be used to convey emergency information or for any other purpose.

49. The translations for the thirteen most commonly spoken languages in the

United States, aside from English and ASL, are located below; the full text of this document is available here: <https://docs.fcc.gov/public/attachments/DA-24-137A1.pdf>; and also separately available here: <https://www.fcc.gov/sites/default/files/Proposed-WEA-Template-Translations.pdf>.

BILLING CODE 6712–01–P

ARABIC TRANSLATION**STATIC ALERT TEMPLATES**

Alert Template	Alert Type
MOST COMMONLY ISSUED ALERTS	
إعصار طارئ. تم رصد إعصار في هذه المنطقة. هذا وضع يهدد الحياة. احتسب الآن في قبو أو غرفة داخلية في الطابق السفلي من مبنى قوي. إذا كنت في الهواء الطلق أو في منزل متنقل أو في سيارة، فانتقل إلى أقرب مأوى كبير واحم نفسك من الحطام المتطاير. اطلع على آخر مستجدات وسائل الإعلام.	Tornado Warning
يسري التحذير من حالة طوارئ الفيضانات المفاجئة في هذه المنطقة. هذا وضع خطير للغاية ويهدد الحياة. لا تحاول السفر إلا إذا كنت تفر من منطقة معرضة للفيضانات أو بموجب أمر إخلاء.	Flash Flood Warning
يسري التحذير من عاصفة رعدية شديدة في هذه المنطقة لرياح مدمرة بسرعة 80 ميلاً في الساعة. اتخذ مأوى في مبنى قوي، بعيداً عن النوافذ. قد يكون الحطام المتطاير مميتاً لأولئك الذين باغتهم العاصفة دون مأوى.	Severe Thunderstorm Warning
تحذير من عاصفة ثلجية حالية في هذه المنطقة. تحرك ببطء أو قم بتأخير السفر! كن مستعداً للانخفاض المفاجئ إلى مستوى رؤية قريب من الصفر والسير على طرق جليدية في الثلوج الكثيفة.	Snow Squall Warning
تحذير من عاصفة ترابية لهذه المنطقة. كن مستعداً لانخفاض المفاجئ في مستوى الرؤية الذي قد يصل إلى الصفر. توقف على جانب الطريق، وابق على قيد الحياة! عندما تنخفض الرؤية، اركن سيارتك بعيداً عن مسار الطريق، ثم ضعها في وضع الانتظار. أطفئ الأنوار وأبعد قدمك عن المكابح. حث الرضع وكبار السن وأولئك الذين يعانون من مشاكل في الجهاز التنفسي على اتخاذ الاحتياطات اللازمة.	Dust Storm Warning
يسري تحذير الإعصار على هذه المنطقة بالنسبة للرياح الخطرة والمدمرة. يتم إصدار هذا التحذير قبل 36 ساعة من بدء الظروف الجوية الخطرة. ابتذل جهود شاملة على وجه السرعة	Hurricane Warning

لحماية الأرواح والممتلكات. تزود بالطعام والماء والنقد والوقود والأدوية لمدة تزيد عن 3 أيام. اتبع التعليمات الواردة من المسؤولين المحليين.	
يسري التحذير من عرام العواصف على هذه المنطقة بسبب خطر الفيضانات التي تهدد الحياة. يتم إصدار هذا التحذير قبل 36 ساعة من بدء الظروف الجوية الخطرة. ابذل جهود شاملة على وجه السرعة لحماية الأرواح والممتلكات. اتبع أوامر الإخلاء إذا تم إصدارها لهذه المنطقة؛ لتجنب الغرق أو البقاء في عزلة بعيدًا عن خدمات الطوارئ.	Storm Surge Warning
يسري التحذير من الرياح الشديدة على هذه المنطقة بسبب الخطر المباشر للرياح التي تهدد الحياة. احتم الآن في غرفة داخلية لمبنى قوي، بعيدًا عن النوافذ. احم رأسك من الحطام المتطاير. لا تخرج في وقت هدوء عين الإعصار! ستصبح الرياح خطرة مرة أخرى بسرعة.	Extreme Wind Warning
هذا هو اختبار للنظام الوطني للإنذار اللاسلكي في حالات الطوارئ. والغرض من ذلك هو الحفاظ على قدرات التنبيه والإنذار وتحسينها على المستويات الاتحادية والولائية والمحلية والقبلية والإقليمية، وتقييم قدرات التنبيه والإنذار العامة في البلاد. لا يلزم اتخاذ أي إجراء من قبل الجمهور.	Test Alert
MOST TIME-SENSITIVE ALERTS	
تحذير من تسونامي. قد تؤثر سلسلة من الأمواج القوية والتيارات القوية على السواحل القريبة منك. أنت في خطر. ابتعد عن المياه الساحلية. انتقل الآن إلى أرض مرتفعة أو نحو البر. ابتعد عن الساحل حتى يصرح المسؤولون المحليون أنه من الأمن العودة.	Tsunami Warning
تم اكتشاف زلزال! نحن أرضنا، واختبئ تحت غطاء، ولا تتحرك. احم نفسك.	Earthquake Warning
تم إصدار تنبيه بغلي الماء بالنسبة لمنطقتك. يمكن أن تصيبك المياه في مجتمعك المحلي بالمرض. استخدم المياه المعبأة في زجاجات إذا كانت متوفرة. لا تشرب أو تطبخ أو تغسل أسنانك بالفرشاة أو تنظف منزلك بمياه الصنبور أو الماء المصفى حتى تغليه. قم بغلي الماء تمامًا لمدة ثلاث دقائق. اترك الماء يبرد قبل الاستخدام. لا تستخدم الثلج المصنوع من الماء الذي لم يتم غليه. إذا كنت تستخدم تركيبة لإطعام طفلك، فاستخدم تركيبة جاهزة للاستخدام. تأكد من عدم شرب الحيوانات الأليفة للماء الذي لم يتم غليه. اطلع على آخر مستجدات وسائل الإعلام المحلية.	Boil Water Advisory

تنبيه انقطاع خدمات الطوارئ (911) في هذه المنطقة. يُرجى الاتصال بالشرطة أو الإطفاء أو الخدمات الطبية أو غيرها من خدمات الطوارئ مباشرة على أرقام هواتفهم المحلية في حالات الطوارئ. إذا اتصلت بالرقم 911، فقد لا تحصل على المساعدة.	911 Outage Alert
تحذير من انهيار جليدي في هذه المنطقة. يمكن أن تحدث ظاهرة وجود الثلج غير المستقر وسريع الحركة بسرعة، مما يتسبب في وقوع الإصابة أو الوفاة؛ ويمكن أن تتسبب هذه الظاهرة في انسداد الطرق وإلحاق الضرر بالممتلكات في المناطق المتضررة. اترك هذه المنطقة. لا تعد إلى المنطقة بعد الإخلاء حتى يتم توجيهك من قبل المسؤولين المحليين. لا ينصح بالسفر في التضاريس الجليدية. قد تمتد الانهيارات الثلجية لمسافات طويلة.	Avalanche Warning
تحذير من الحريق في هذه المنطقة. قم بإخلاء عائلتك وحيواناتك الأليفة الآن، ولا تتأخر في القيام بذلك. سيقبل مجال الرؤية في هذه المنطقة، ويمكن أن تصبح الطرق مغلقة. إذا لم تغادر الآن، فقد تكون محاصرًا أو مصابًا أو مقتولًا. توقع انخفاض الرؤية والدخان الكثيف وصعوبة التنفس. كن حذرًا عند القيادة. انتبه إلى موظفي السلامة العامة العاملين في المنطقة واتبع تعليماتهم.	Fire Warning
حدث تسرب مواد خطيرة في منطقتك. قد يسبب التعرض لهذه المواد الشعور بصعوبة في التنفس، وفقدان التناسق في الحركة، وحرقان في العينين أو الأنف أو الحلق أو الرئتين، والغثيان، وربما الموت. اترك هذه المنطقة. في حالة القيادة من أجل إخلاء المنطقة، اترك نوافذ السيارة وفتحات التهوية مغلقة. لا تعد إلى المنطقة بعد الإخلاء حتى يتم توجيهك من قبل المسؤولين المحليين.	Hazardous Materials Warning
قم بالإخلاء على الفور. تم إصدار أمر الإخلاء في منطقتك. قم بإخلاء عائلتك وحيواناتك الأليفة الآن، ولا تتأخر في القيام بذلك. انتبه إلى موظفي السلامة العامة العاملين في المنطقة واتبع تعليماتهم.	Evacuation Immediate
تم إصدار تحذير الاحتماء في مكان المأوى في منطقتك. خطر في منطقتك. ادخل إلى غرفة داخلية، وأغلق الأبواب والنوافذ، وابق في مكانك. اطلع على آخر مستجدات وسائل الإعلام المحلية. ابق متيقظًا وتوخ الحذر.	Shelter in Place Warning

FORM-FILLABLE ALERT TEMPLATES

Alert Template	Alert Type
MOST COMMONLY ISSUED ALERTS	
[SENDING AGENCY]: حالة طوارئ الإعصار في [LOCATION] حتى [TIME]. تم رصد إعصار في هذه المنطقة. هذا وضع يهدد الحياة. احتم الآن في قبو أو غرفة داخلية في الطابق السفلي من مبنى قوي. إذا كنت في الهواء الطلق أو في منزل متنقل أو في سيارة، فانتقل إلى أقرب مأوى كبير واحم نفسك من الحطام المتطاير. اطلع على آخر مستجدات وسائل الإعلام. [URL]	Tornado Warning
[SENDING AGENCY]: يسري التحذير من حالة طوارئ الفيضانات المفاجئة لـ [LOCATION] حتى [TIME]. هذا وضع خطير للغاية ويهدد الحياة. لا تحاول السفر إلا إذا كنت تفر من منطقة معرضة للفيضانات أو بموجب أمر إخلاء. [URL].	Flash Flood Warning
[SENDING AGENCY]: يسري التحذير من عاصفة رعدية شديدة لـ [LOCATION] حتى [TIME] لرياح مدمرة بسرعة 80 ميلاً في الساعة. اتخذ مأوى في مبنى قوي، بعيداً عن النوافذ. قد يكون الحطام المتطاير مميتاً لأولئك الذين باغتهم العاصفة دون مأوى. [URL]	Severe Thunderstorm Warning
[SENDING AGENCY]: تحذير من عاصفة ثلجية لـ [LOCATION] حتى [TIME]. تحرك ببطء أو قُم بتأخير السفر! كن مستعداً للانخفاض المفاجئ إلى مستوى رؤية قريب من الصفر والسير على طرق جليدية في الثلوج الكثيفة. [URL]	Snow Squall Warning
[SENDING AGENCY]: تحذير من عاصفة ترابية لـ [LOCATION] حتى [TIME]. كن مستعداً للانخفاض المفاجئ في مستوى الرؤية الذي قد يصل إلى الصفر. توقف على جانب الطريق، وابق على قيد الحياة! عندما تنخفض الرؤية، اركن سيارتك بعيداً عن مسار الطريق، ثم ضعها في وضع الانتظار. أطفئ الأنوار وأبعد قدمك عن المكابح. حث الرضع وكبار السن وأولئك الذين يعانون من مشاكل في الجهاز التنفسي على اتخاذ الاحتياطات اللازمة. [URL]	Dust Storm Warning
[SENDING AGENCY]: يسري تحذير الإعصار على [LOCATION] بالنسبة للرياح الخطرة والمدمرة حتى [TIME]. يتم إصدار هذا التحذير قبل 36 ساعة من بدء الظروف	Hurricane Warning

الجوية الخطرة. ابذل جهودًا شاملة على وجه السرعة لحماية الأرواح والممتلكات. تزود بالطعام والماء والنقد والوقود والأدوية لمدة تزيد عن 3 أيام. اتبع التعليمات الواردة من المسؤولين المحليين. [URL]	
[SENDING AGENCY]: يسري التحذير من عرام العواصف على [LOCATION] بسبب خطر الفيضانات التي تهدد الحياة حتى [TIME]. يتم إصدار هذا التحذير قبل 36 ساعة من بدء الظروف الجوية الخطرة. ابذل جهودًا شاملة على وجه السرعة لحماية الأرواح والممتلكات. اتبع أوامر الإخلاء إذا تم إصدارها لهذه المنطقة؛ لتجنب الغرق أو البقاء في عزلة بعيدًا عن خدمات الطوارئ. [URL]	Storm Surge Warning
[SENDING AGENCY]: يسري التحذير من الرياح الشديدة على [LOCATION] بسبب الخطر المباشر للرياح التي تهدد الحياة حتى [TIME]. احتم الآن في غرفة داخلية لمبنى قوي، بعيدًا عن النوافذ. احم رأسك من الحطام المتطاير. لا تخرج في وقت هدوء عين الإعصار! ستصبح الرياح خطرة مرة أخرى بسرعة. [URL]	Extreme Wind Warning
هذا اختبار للنظام الوطني للإنذار اللاسلكي في حالات الطوارئ تم إرساله من قبل [SENDING AGENCY]. والغرض من ذلك هو الحفاظ على قدرات التنبيه والإنذار وتحسينها على المستويات الاتحادية والولائية والمحلية والقبلية والإقليمية، وتقييم قدرات التنبيه والإنذار العامة في البلاد. لا يلزم اتخاذ أي إجراء من قبل الجمهور. [URL]	Test Alert
MOST TIME-SENSITIVE ALERTS	
[SENDING AGENCY]: يسري التحذير من تسونامي لـ [LOCATION] حتى [TIME]. قد تؤثر سلسلة من الأمواج القوية والتيارات القوية على السواحل القريبة منك. أنت في خطر. ابتعد عن المياه الساحلية. انتقل الآن إلى أرض مرتفعة أو نحو البر. ابتعد عن الساحل حتى يصرح المسؤولون المحليون أنه من الآمن العودة. [URL]	Tsunami Warning
تم اكتشاف زلزال! انحن أرضًا، واختبئ تحت غطاء، ولا تتحرك. احم نفسك. [SENDING AGENCY] [URL]	Earthquake Warning
[SENDING AGENCY]: يسري تنبيه غلي الماء الصادر لـ [LOCATION] حتى [TIME]. يمكن أن تصيبك المياه في مجتمعك المحلي بالمرض. استخدم المياه المعبأة في زجاجات إذا كانت متوفرة. لا تشرب أو تطبخ أو تغسل أسنانك بالفرشاة أو تنظف منزلك بمياه	Boil Water Advisory

الصنبور أو الماء المصفى حتى تغليه. قم بغلي الماء تمامًا لمدة ثلاث دقائق. اترك الماء يبرد قبل الاستخدام. لا تستخدم الثلج المصنوع من الماء الذي لم يتم غليه. إذا كنت تستخدم تركيبة لإطعام طفلك، فاستخدم تركيبة جاهزة للاستخدام. تأكد من عدم شرب الحيوانات الأليفة للماء الذي لم يتم غليه. [URL]	
[SENDING AGENCY]: تنبيه انقطاع خدمات الطوارئ (911) في [LOCATION] حتى [TIME]. يُرجى الاتصال بالشرطة أو الإطفاء أو الخدمات الطبية أو غيرها من خدمات الطوارئ مباشرة على أرقام هواتفهم المحلية في حالات الطوارئ. إذا اتصلت بالرقم 911، فقد لا تحصل على المساعدة. [URL]	911 Outage Alert
[SENDING AGENCY]: يسري التحذير من الانهيار الجليدي في [LOCATION] حتى [TIME]. يمكن أن تحدث ظاهرة وجود الثلج غير المستقر وسريع الحركة بسرعة، مما يتسبب في وقوع الإصابات أو الوفاة؛ ويمكن أن تتسبب هذه الظاهرة في انسداد الطرق وإلحاق الضرر بالمتلكات في المناطق المتضررة. غادر المناطق القريبة من [LOCATION]. لا تعد إلى المنطقة بعد الإخلاء حتى يتم توجيهك من قبل المسؤولين المحليين. لا ينصح بالسفر في التضاريس الجليدية. قد تمتد الانهيارات الثلجية لمسافات طويلة. [URL]	Avalanche Warning
يسري التحذير من الحريق الصادر عن [SENDING AGENCY] في [LOCATION] حتى [TIME]. قم بإخلاء عائلتك وحيواناتك الأليفة الآن، ولا تتأخر في القيام بذلك. سيقل مجال الرؤية في هذه المنطقة، ويمكن أن تصبح الطرق مغلقة. إذا لم تغادر الآن، فقد تكون محاصرًا أو مصابًا أو مقتولًا. غادر المناطق القريبة من [LOCATION]. توقع انخفاض الرؤية والدخان الكثيف وصعوبة التنفس. كن حذرًا عند القيادة. انتبه إلى موظفي السلامة العامة العاملين في المنطقة واتبع تعليماتهم. [URL]	Fire Warning
[SENDING AGENCY]: حدث تسرب مواد خطرة عند [TIME] في [LOCATION]. قد يسبب التعرض لهذه المواد الشعور بصعوبة في التنفس، وفقدان التناسق في الحركة، وحرقان في العينين أو الأنف أو الحلق أو الرئتين، والغثيان، وربما الموت. غادر المناطق القريبة من [LOCATION]. في حالة القيادة من أجل إخلاء المنطقة، اترك نوافذ السيارة وفتحات التهوية مغلقة. لا تعد إلى المنطقة بعد الإخلاء إلا إذا تم توجيهك من قبل المسؤولين المحليين. [URL]	Hazardous Materials Warning

أصدرت [SENDING AGENCY] أمر إخلاء لـ [LOCATION] ساري المفعول حتى [TIME]. قم بإخلاء عائلتك وحيواناتك الأليفة الآن، ولا تتأخر في القيام بذلك. انتبه إلى موظفي السلامة العامة العاملين في المنطقة واتبع تعليماتهم. [URL]	Evacuation Immediate
أصدرت [SENDING AGENCY] تحذير الاحتماء في مكان المأوى لـ [LOCATION] ساري المفعول حتى [TIME]. خطر في منطقتك. ادخل إلى غرفة داخلية، وأغلق الأبواب والنوافذ، وابق في مكانك. ابق متيقظاً وتوخّ الحذر. [URL]	Shelter in Place Warning

CHINESE (SIMPLIFIED) TRANSLATION

STATIC ALERT TEMPLATES

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	龙卷风紧急情况。该地区观察到龙卷风。这是危及生命的情况。请即刻躲在地下室或坚固建筑物最底层的内部房间里。如果您在户外、移动房屋或汽车内，请移步至最近的坚固避难所并保护自己免受飞溅碎片的伤害。请查看媒体报道。
Flash Flood Warning	该地区已进入 暴洪紧急状况 。这是一种极其危险且危及生命的情况。请勿尝试外出旅行，除非您要逃离遭受洪水侵袭或在接到疏散令的地区。
Severe Thunderstorm Warning	该地区已发布 严重雷暴雨警报 ，风速为每小时 80 英里，具有破坏性。请躲进坚固的建筑物内部，远离窗户。飞扬的碎片对于那些没有庇护所的人来说可能是致命的。
Snow Squall Warning	该地区已发布 雪飑警报 。请放慢行车速度或推迟出行！做好准备，应对能见度突然降至接近于零、大雪道路结冰的情况。
Dust Storm Warning	该地区已发布 沙尘暴警报 。请做好能见度突然降至零的准备。路旁停车，保存生命！当能见度下降时，将车停在远离道路的地方并将车辆保持停车状态。关掉车灯并将脚离开刹车板。敦促婴儿、老年人和患有呼吸道疾病的人采取预防措施。
Hurricane Warning	该地区已发布 飓风警报 ，表示存在危险和破坏性的大风。此警告最早会在危险情况开始前 36 小时发布。请紧急完成保护生命财产安全的工作。准备 3 天以上的食物、水、现金、燃料和药物。请遵循当地官员的指示。

Storm Surge Warning	该地区已发布 风暴潮警报 ，表示存在危及生命的洪水危险。此警报最早会在危险情况开始前 36 小时发布。请紧急完成保护生命财产安全的工作。如果针对该区域发出疏散命令，请遵守疏散命令，以避免溺水或紧急服务中断。
Extreme Wind Warning	该地区已发布 强风警报 ，表示存在危及生命的大风直接危险。请即刻躲进坚固建筑物的内部房间，远离窗户。保护您的头部免受飞溅碎片的伤害。请不要在飓风眼平静时外出！风力很快就会再次变得危险。
Test Alert	这是对国家无线紧急警报系统的一次测试。 目的是维持和提高联邦、州、地方、部落和地区各级的预警和警报能力，并评估国家的公共警示和警报能力。公众无需采取任何行动。
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	海啸警报。 一系列强大的波浪和强流可能会影响您附近的海岸。您的处境危险。请远离沿海水域。即刻转移到高地或内陆。在当地官员表示可以安全返回之前，请远离海岸。
Earthquake Warning	检测到地震！ 放下手中一切、寻求掩护、坚持住。保护好您自己。
Boil Water Advisory	您所在地区已发布 沸水消毒警报 。您所在社区的供水可能会让您生病。如果有的话，请使用瓶装水。在煮沸之前，请勿使用自来水或过滤水饮用、做饭、刷牙或清洁房屋。将水充分煮沸三分钟。使用前让水冷却。请勿使用未煮沸的水制成的冰块。如果您使用配方奶喂养孩子，请使用即用型配方奶。请确保宠物不喝未煮沸的水。请查看当地媒体。

911 Outage Alert	该区域有 911 故障警告 。如果发生紧急情况，请直接拨打当地电话号码联系警察、消防、医疗或其他紧急服务部门。如果您拨打 911，您可能无法获得帮助。
Avalanche Warning	该地区有 雪崩警告 。不稳定、快速移动的积雪可能会快速发生，造成伤害或死亡，并可能堵塞受影响地区的道路并损坏财产。请离开这个区域。疏散后请勿返回该地区，除非得到当地官员的指示。不建议在雪崩地域旅行。雪崩可能会蔓延很长的距离。
Fire Warning	该区域已发布 火灾警报 。请立即疏散您的家人和宠物，切勿拖延。该地区的能见度将会降低，道路可能会堵塞。如果您现在不离开，您可能会被困、受伤或死亡。预计能见度会降低、浓烟和呼吸困难。开车时要小心。留意在该地区工作的公共安全人员并遵循他们的指示。
Hazardous Materials Warning	您所在的地区发生了 危险材料泄漏 。接触可能会导致呼吸困难、失去协调性、眼睛、鼻子、喉咙或肺部有烧灼感、恶心，甚至可能死亡。请 离开 这个区域。 如果驾车 前往疏散区域，请保持车窗和通风口关闭。疏散后 请勿 返回该地区，除非得到当地官员的指示。
Evacuation Immediate	请立即撤离 。您所在地区已发布了疏散令。请立即疏散您的家人和宠物，切勿拖延。留意在该地区工作的公共安全人员并遵循他们的指示。
Shelter in Place Warning	您所在地区已发布了 就地避难警告 。您所在的地区有危险。请进入内部房间，关上门窗，呆在原地。请查看当地媒体。保持警惕和谨慎。

FORM-FILLABLE ALERT TEMPLATES

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: [LOCATION]发生龙卷风紧急情况，直至 [TIME]。该地区发现龙卷风。这是危及生命的情况。立即躲到地下室或坚固建筑物最底层内部房间。如果您在户外、移动房屋或车内，请移步至最近的坚固避难所并保护自己免受飞溅碎片的伤害。请查看媒体。[URL]
Flash Flood Warning	[SENDING AGENCY]: 暴洪紧急状态警报在 [LOCATION] 生效，直至 [TIME]。这是一种极其危险且危及生命的情况。请勿尝试旅行，除非您要逃离遭受洪水侵袭或接到疏散令的地区。[URL]
Severe Thunderstorm Warning	[SENDING AGENCY]: 严重雷暴雨警报目前在 [LOCATION] 生效，直至 [TIME]，风速为每小时 80 英里，具有破坏性。请躲在坚固的建筑物内，远离窗户。飞扬的碎片对于那些没有庇护所的人来说可能是致命的。[URL]
Snow Squall Warning	[SENDING AGENCY]: [LOCATION] 目前有雪飆警报直至 [TIME]。请放慢车速或推迟出行！做好准备，应对能见度突然降至接近零，以及大雪中道路结冰的情况。[URL]
Dust Storm Warning	[SENDING AGENCY]: [LOCATION] 目前有沙尘暴警报直至 [TIME]。请做好能见度突然降至零的准备。停车在路旁，活下去！当能见度下降时，将车停在远离道路的地方并将车辆保持停车状

	态。关掉车灯并将脚离开刹车板。敦促婴儿、老年人和有呼吸道疾病的人采取预防措施。[URL]
Hurricane Warning	[SENDING AGENCY]: [LOCATION] 已发布飓风警报，危险且具有破坏性的大风将持续到 [TIME]。此警报最早会在危险情况开始前 36 小时发出。请紧急完成保护生命财产安全的工作。准备 3 天以上的食物、水、现金、燃料和药物。请务必遵循当地官员的指示。 [URL]
Storm Surge Warning	[SENDING AGENCY]: [LOCATION] 的风暴潮警报已生效，存在危及生命的洪水危险，直至 [TIME] 为止。此警报最早会在危险情况开始前 36 小时发出。请紧急完成保护生命财产安全的工作。如果针对该区域发出疏散命令，请遵守疏散命令，以避免溺水或与紧急服务中断。[URL]
Extreme Wind Warning	[SENDING AGENCY]: [LOCATION] 已发布强风警报，表示存在危及生命的强风的直接危险，直至 [TIME] 为止。请即刻躲在坚固建筑物的内部房间里，远离窗户。保护您的头部免受飞溅碎片的伤害。 不要在飓风眼平静时外出！风力很快就会再次变得危险。[URL]
Test Alert	这是[SENDING AGENCY]发送的对国家无线紧急警报系统的测试警报。目的是维持和改善联邦、州、地方、部落和地区各级的预警和警报能力，并评估国家的公共预警和警报能力。公众无需采取任何行动。[URL]
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	[SENDING AGENCY]: 向[LOCATION]发布的海啸警报生效，直至 [TIME]。一系列强大的波浪和强水流可能会影响您附近的海岸。您

	有危险。请远离沿海水域。即刻转移到高地或内陆。在当地官员表示可以安全返回之前，请远离海岸。[URL]
Earthquake Warning	检测到地震！ 请放下手中的一切、寻求掩护、坚持。保护您自己。 [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]：向 [LOCATION] 发布的沸水消毒警告目前生效，直至 [TIME]。您所在社区的水可能会导致您生病。如果有的话，请使用瓶装水。在煮沸之前，请勿使用自来水或过滤水饮用、做饭、刷牙或清洁房屋。请将水充分沸腾 三分钟 。使用前让水冷却。请勿使用未煮沸的水制成的冰块。如果您使用配方奶喂养孩子，请使用即用型配方奶。确保宠物不喝未煮沸的水。[URL]
911 Outage Alert	[SENDING AGENCY]：[LOCATION] 发出 911 故障警报，直至 [TIME]。如果发生紧急情况，请直接拨打当地电话号码联系警察、消防、医疗或其他紧急服务部门。如果您拨打 911，您可能无法获得帮助。[URL]
Avalanche Warning	[SENDING AGENCY]：[LOCATION] 的 雪崩警告 生效，直至 [TIME]。不稳定、快速移动的积雪可能会很快发生，造成伤害或死亡，并可能堵塞受影响地区的道路并损坏财产。请离开[LOCATION] 附近的区域。疏散后请勿返回该地区，除非得到当地官员的指示。不建议在雪崩地形区域旅行。雪崩可能会蔓延很远的距离。[URL]
Fire Warning	[SENDING AGENCY] [LOCATION] 发布 火灾警报 生效，直至 [TIME]。请立即疏散您的家人和宠物，请勿拖延。该地区的能见度将会降低，道路可能会堵塞。如果您现在不离开，您可能会被困、受伤或死亡。离开[LOCATION]附近的区域。预计能见度会降低、

	浓烟和呼吸困难。行车时要小心。留意在该地区工作的公共安全人员并遵循他们的指示。[URL]
Hazardous Materials Warning	[SENDING AGENCY]: [LOCATION]在[TIME]发生危险材料泄漏。接触可能会导致呼吸困难、失去协调性、眼睛、鼻子、喉咙或肺部有烧灼感、恶心，甚至可能死亡。 请离开 [LOCATION]附近的区域。如果驾车前往疏散区域，请保持车窗和通风口关闭。请勿在疏散后返回该地区，除非当地官员指示。[URL]
Evacuation Immediate	[SENDING AGENCY] 已向 [LOCATION] 发布疏散令，有效至 [TIME]。请立即疏散您的家人和宠物，请勿拖延。留意在该地区工作的公共安全人员并遵循他们的指示。[URL]
Shelter in Place Warning	[SENDING AGENCY] 已向 [LOCATION] 发出就地避难警告，有效至 [TIME]。您所在的地区有危险。请进入内部房间，关上门窗，呆在原地。请保持警惕和谨慎。[URL]

FRENCH TRANSLATION
STATIC ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	AVIS DE TORNADE. Une tornade a été repérée dans cette zone. La vie des personnes concernées est en danger. Abritez-vous dès maintenant dans un sous-sol ou dans une pièce intérieure au niveau le plus bas d'un bâtiment robuste. Si vous vous trouvez à l'extérieur, dans une maison mobile ou dans un véhicule, rejoignez l'abri approprié le plus proche et protégez-vous des débris volants. Consultez les médias.
Flash Flood Warning	Un AVIS D'INONDATION SOUDAINE est en vigueur pour cette zone. Il s'agit d'une situation extrêmement dangereuse et potentiellement mortelle. Évitez de vous déplacer à moins que vous ne quittiez une zone inondable ou que vous ne fassiez l'objet d'un ordre d'évacuation.
Severe Thunderstorm Warning.	Un AVIS D'ORAGE VIOLENT est en vigueur pour cette zone avec des vents DESTRUCTEURS de 130 km/heure. Mettez-vous à l'abri dans un bâtiment robuste, loin des fenêtres. Les débris volants peuvent être mortels pour les personnes n'ayant pu trouver un abri.
Snow Squall Warning	Un AVIS DE BOURRASQUE DE NEIGE est en vigueur pour cette zone. Ralentissez ou reportez vos déplacements ! Préparez-vous à une chute soudaine de la visibilité, qui pourrait devenir presque nulle, et à des routes verglacées en cas de neige abondante.
Dust Storm Warning	Un AVIS DE TEMPÊTE DE POUSSIÈRE est en vigueur pour cette zone. Préparez-vous à une baisse soudaine de la visibilité, qui pourrait devenir nulle. Arrêtez-vous, restez en vie ! Lorsque la visibilité diminue, quittez la route et mettez votre véhicule en position de stationnement. Éteignez les phares et n'appuyez pas sur la pédale de frein. Les nourrissons, les personnes âgées et les personnes souffrant de problèmes respiratoires sont invités à prendre des précautions.
Hurricane Warning	Un AVIS D'OURAGAN est en vigueur pour cette zone en raison de vents dangereux et destructeurs. Cet avis est émis au moins 36 heures avant le début des conditions dangereuses. Prenez de toute urgence des mesures pour protéger votre vie et vos biens. Prévoyez suffisamment de nourriture, d'eau, d'argent, de carburant et de médicaments pour 3 jours ou plus. SUIVEZ LES INSTRUCTIONS DES AUTORITÉS LOCALES.
Storm Surge Warning	Un AVIS D'ONDES DE TEMPÊTE est en vigueur pour cette zone en raison du risque d'inondations potentiellement mortelles. Cet avis est émis au moins 36 heures avant le début des conditions dangereuses. Prenez de toute urgence des mesures pour protéger votre vie et vos biens. Suivez les ordres d'évacuation donnés pour cette zone afin d'éviter de vous noyer ou d'être coupé des services d'urgence.
Extreme Wind Warning	Un AVIS DE VENT EXTRÊME est en vigueur pour cette zone en raison du danger immédiat de vents potentiellement mortels. Mettez-vous à l'abri dès MAINTENANT dans une pièce intérieure d'un bâtiment robuste, loin des fenêtres. Protégez votre tête des débris volants. Ne sortez PAS dans le calme de l'œil du cyclone ! Les vents sont susceptibles de redevenir dangereux rapidement.
Test Alert	CECI EST UN TEST du Système national d'alertes d'urgence sans fil. L'objectif est de maintenir et d'améliorer les capacités d'alerte et d'avertissement aux niveaux fédéral, étatique, local, tribal et territorial et d'évaluer les capacités d'alerte et d'avertissement du pays. Aucune action n'est requise de la part du public.
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	AVIS DE TSUNAMI. Une série de vagues puissantes et de forts courants peuvent déferler sur les côtes situées près de chez vous. Vous êtes en danger. Éloignez-vous des eaux côtières. Réfugiez-vous sur les hauteurs ou à l'intérieur des terres dès maintenant. Restez éloigné des côtes jusqu'à ce que les autorités locales vous permettent de rentrer chez vous en toute sécurité.
Earthquake Warning	TREMBLEMENT DE TERRE DÉTECTÉ ! Baissez-vous, couvrez-vous et tenez-vous bien. Protégez-vous.
Boil Water Advisory	Un AVIS DE FAIRE BOUILLIR L'EAU a été émis pour votre zone. L'eau de votre communauté peut vous rendre malade. Utilisez de l'eau en bouteille si possible. Vous ne devez pas boire, cuisiner, vous brosser les dents et nettoyer votre maison avec de l'eau du robinet ou de l'eau filtrée sans l'avoir faite bouillir. Portez l'eau à ébullition pendant TROIS MINUTES. Laissez l'eau refroidir avant de l'utiliser. N'utilisez pas de glace produite avec de l'eau non bouillie. Si vous utilisez du lait maternisé pour nourrir votre enfant, utilisez du lait maternisé prêt à l'emploi. Veillez à ce que les animaux domestiques ne boivent pas d'eau non bouillie au préalable. Consultez les médias locaux.
911 Outage Alert	AVIS D'INTERRUPTION DU 911 dans cette zone. En cas d'urgence, veuillez contacter la police, les pompiers, les services médicaux ou tout autre service d'urgence directement en appelant leur numéro de téléphone local. Si vous composez le 911, vous risquez de ne pas obtenir d'aide.
Avalanche Warning	AVIS D'AVALANCHE dans cette zone. Une neige instable, qui atteint des vitesses élevées en mouvement, peut se produire rapidement et entraîner des blessures ou la mort, bloquer les routes et causer des dégâts matériels dans les zones touchées. QUITTEZ cette zone. NE retournez PAS dans les zones impactées par l'ordre d'évacuation à moins d'avoir reçu la permission des autorités locales. Les déplacements en terrain avalancheux sont déconseillés. Les avalanches peuvent couvrir de longues distances.
Fire Warning	AVIS D'INCENDIE dans cette zone. Évacuez votre famille et vos animaux de compagnie dès maintenant, sans plus attendre. La visibilité dans la région va diminuer et les routes risquent d'être bloquées. Si vous ne partez pas maintenant, vous risquez d'être bloqué, blessé ou tué. Attendez-vous à une visibilité réduite, à une forte fumée et à des difficultés respiratoires. Soyez prudent en conduisant. Faites attention au personnel des services de sécurité publique opérant dans la zone et suivez leurs instructions.
Hazardous Materials Warning.	Un déversement de MATIÈRES DANGEREUSES s'est produit dans votre zone. Le contact avec ces matières peut entraîner des difficultés respiratoires, une perte de coordination, une sensation de brûlure dans les yeux, le nez, la gorge ou les poumons, des nausées et, éventuellement, la mort. QUITTEZ cette zone. SI VOUS CONDUISEZ pour évacuer la zone, gardez les fenêtres et les bouches d'aération de la voiture fermées. NE retournez PAS dans la zone après évacuation à moins d'avoir reçu la permission des autorités locales.

Alert type	Alert template
Evacuation Immediate	ÉVACUATION IMMÉDIATE. Un ordre d'évacuation a été émis pour votre zone. Évacuez votre famille et vos animaux de compagnie dès maintenant, ne tardez pas. Faites attention au personnel des services de sécurité publique opérant dans la zone et suivez leurs instructions.
Shelter in Place Warning ...	Un AVIS D'ABRI SUR PLACE a été émis pour votre zone. Il existe un danger dans votre zone. Réfugiez-vous dans une pièce située à l'intérieur, fermez les portes et les fenêtres et restez là où vous vous trouvez. Consultez les médias locaux. Restez vigilant et faites preuve de prudence.

FORM-FILLABLE ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: AVIS DE TORNADE pour [LOCATION] jusqu'à [TIME]. Une tornade a été repérée dans cette zone. La vie des personnes concernées est en danger. Abritez-vous dès maintenant dans un sous-sol ou dans une pièce située à l'intérieure au niveau le plus bas d'un bâtiment robuste. Si vous vous trouvez à l'extérieur, dans une maison mobile ou dans un véhicule, rejoignez l'abri approprié le plus proche et protégez-vous des débris volants. Consultez les médias. [URL]
Flash Flood Warning	[SENDING AGENCY]: un AVIS D'INONDATION SOUDAINE est en vigueur pour [LOCATION] jusqu'à [TIME]. Il s'agit d'une situation extrêmement dangereuse et potentiellement mortelle. Évitez de vous déplacer à moins que vous ne quittiez une zone inondable ou que vous ne fassiez l'objet d'un ordre d'évacuation. [URL]
Severe Thunderstorm Warning.	[SENDING AGENCY]: un AVIS D'ORAGE VIOLENT est en vigueur pour [LOCATION] jusqu'à [TIME] avec des vents DESTRUCTEURS de 130 km/heure. Mettez-vous à l'abri dans un bâtiment robuste, loin des fenêtres. Les débris volants peuvent être mortels pour les personnes n'ayant pu trouver un abri. [URL]
Snow Squall Warning	[SENDING AGENCY]: un avis de bourrasque de neige est en vigueur pour [LOCATION] jusqu'à [TIME]. Ralentissez ou reportez vos déplacements! Préparez-vous à une chute soudaine de la visibilité, qui pourrait devenir presque nulle, et à des routes verglacées en cas de neige abondante. [URL]
Dust Storm Warning	[SENDING AGENCY]: AVIS DE TEMPÊTE DE POUSSIÈRE pour [LOCATION] jusqu'à [TIME]. Préparez-vous à une baisse soudaine de la visibilité qui pourrait devenir presque nulle. Arrêtez-vous, restez en vie! Lorsque la visibilité diminue, quittez la route et mettez votre véhicule en position de stationnement. Éteignez les phares et n'appuyez pas sur la pédale de frein. Les nourrissons, les personnes âgées et les personnes souffrant de problèmes respiratoires sont invités à prendre des précautions. [URL]
Hurricane Warning	[SENDING AGENCY]: un AVIS D'OURAGAN est en vigueur pour [LOCATION] en raison de vents dangereux et destructeurs jusqu'à [TIME]. Cet avis est émis au moins 36 heures avant le début des conditions dangereuses. Prenez de toute urgence des mesures pour protéger votre vie et vos biens. Prévoyez suffisamment de nourriture, d'eau, d'argent, de carburant et de médicaments pour 3 jours ou plus. SUIVEZ LES INSTRUCTIONS DES AUTORITÉS LOCALES. [URL]
Storm Surge Warning	[SENDING AGENCY]: un AVIS D'ONDES DE TEMPÊTE est en vigueur pour [LOCATION] jusqu'à [TIME] en raison du risque d'inondations potentiellement mortelles. Cet avis est émis au moins 36 heures avant le début des conditions dangereuses. Prenez de toute urgence des mesures pour protéger votre vie et vos biens. Suivez les ordres d'évacuation donnés pour cette zone afin d'éviter de vous noyer ou d'être coupé des services d'urgence. [URL]
Extreme Wind Warning	[SENDING AGENCY]: un AVIS DE VENT EXTRÊME est en vigueur pour [LOCATION] en raison du danger immédiat de vents potentiellement mortels jusqu'à [TIME]. Mettez-vous à l'abri MAINTENANT dans une pièce située à l'intérieure d'un bâtiment robuste, loin des fenêtres. Protégez votre tête des débris volants. Ne sortez PAS dans le calme de l'œil du cyclone! Les vents sont susceptibles de redevenir dangereux rapidement. [URL]
Test Alert	CECI EST UN TEST du Système national d'alertes d'urgence sans fil envoyé par [SENDING AGENCY]. L'objectif est de maintenir et d'améliorer les capacités d'alerte et d'avertissement aux niveaux fédéral, étatique, local, tribal et territorial et d'évaluer les capacités d'alerte et d'avertissement du pays. Aucune action n'est requise de la part du public. [URL]

MOST TIME-SENSITIVE ALERTS

Tsunami Warning	[SENDING AGENCY]: un AVIS DE TSUNAMI pour [LOCATION] est en vigueur jusqu'à [TIME]. Une série de vagues puissantes et de forts courants peuvent déferler sur les côtes situées près de chez vous. Vous êtes en danger. Éloignez-vous des eaux côtières. Réfugiez-vous sur les hauteurs ou à l'intérieur des terres dès maintenant. Éloignez-vous des côtes jusqu'à ce que les autorités locales vous permettent de rentrer chez vous en toute sécurité. [URL]
Earthquake Warning	TREMBLEMENT DE TERRE DÉTECTÉ! Baissez-vous, couvrez-vous et tenez-vous bien. Protégez-vous. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: un AVIS DE FAIRE BOUILLIR L'EAU a été émis pour [LOCATION] jusqu'à [TIME]. L'eau de votre communauté peut vous rendre malade. Utilisez de l'eau en bouteille si possible. Vous ne devez pas boire, cuisiner, vous brosser les dents et nettoyer votre maison avec de l'eau du robinet ou de l'eau filtrée sans l'avoir faite bouillir. Portez l'eau à ébullition pendant TROIS MINUTES. Laissez l'eau refroidir avant de l'utiliser. N'utilisez pas de glace produite avec de l'eau non bouillie. Si vous utilisez du lait maternisé pour nourrir votre enfant, utilisez du lait maternisé prêt à l'emploi. Veillez à ce que les animaux domestiques ne boivent pas d'eau non bouillie au préalable. Consultez les médias locaux. [URL]
911 Outage Alert	[SENDING AGENCY]: AVIS D'INTERRUPTION DU 911 pour [LOCATION] jusqu'à [TIME]. En cas d'urgence, veuillez contacter la police, les pompiers, les services médicaux ou tout autre service d'urgence directement en appelant leur numéro de téléphone local. Si vous composez le 911, vous risquez de ne pas obtenir d'aide. [URL]

Alert type	Alert template
Avalanche Warning	[SENDING AGENCY]: un AVIS D'AVALANCHE pour [LOCATION] est en vigueur jusqu'à [TIME]. Une neige instable, qui atteint des vitesses élevées en mouvement, peut se produire rapidement et entraîner des blessures ou la mort, bloquer les routes et causer des dégâts matériels dans les zones touchées. QUITTEZ les zones situées à proximité de [LOCATION]. NE retournez PAS dans les zone impactées par l'ordre d'évacuation à moins d'avoir reçu la permission des autorités locales. Les déplacements en terrain avalancheux sont déconseillés. Les avalanches peuvent couvrir de longues distances. [URL]
Fire Warning	UN AVIS D'INCENDIE DE [SENDING AGENCY] pour [LOCATION] est en vigueur jusqu'à [TIME]. Évacuez votre famille et vos animaux de compagnie dès maintenant, sans plus attendre. La visibilité dans la région va diminuer et les routes risquent d'être bloquées. Si vous ne partez pas maintenant, vous risquez d'être bloqué, blessé ou tué. QUITTEZ la zone située à proximité de [LOCATION]. Attendez-vous à une visibilité réduite, à une forte fumée et à des difficultés respiratoires. Soyez prudent en conduisant. Faites attention au personnel des services de sécurité publique opérant dans la zone et suivez leurs instructions. [URL]
Hazardous Materials Warning.	[SENDING AGENCY]: un déversement de MATIERES DANGEREUSES s'est produit à [TIME] à [LOCATION]. Le contact avec ces matières peut entraîner des difficultés respiratoires, une perte de coordination, une sensation de brûlure dans les yeux, le nez, la gorge ou les poumons, des nausées et, éventuellement, la mort. QUITTEZ la zone située à proximité de [LOCATION]. SI VOUS CONDUISEZ pour évacuer la zone, gardez les fenêtres et les bouches d'aération de la voiture fermées. NE retournez PAS dans la zone après évacuation à moins d'avoir reçu la permission des autorités locales. [URL]
Evacuation Immediate	Un ordre d'évacuation a été émis par le/la [SENDING AGENCY] pour [LOCATION]. L'avis reste en vigueur jusqu'à [TIME]. Évacuez votre famille et vos animaux de compagnie dès maintenant, ne tardez pas. Faites attention au personnel des services de sécurité publique opérant dans la zone et suivez leurs instructions. [URL]
Shelter in Place Warning ...	Un avis d'abri en place a été émis par le/la [SENDING AGENCY] pour [LOCATION]. L'avis reste en vigueur jusqu'à [TIME]. Il existe un danger dans votre zone. Réfugiez-vous dans une pièce située à l'intérieur, fermez les portes et les fenêtres et restez là où vous vous trouvez. Consultez les médias locaux. Restez vigilant et faites preuve de prudence. [URL]

GERMAN TRANSLATION STATIC ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	TORNADO-NOTFALL. In dieser Gegend wurde ein Tornado gesichtet. Es handelt sich um eine lebensbedrohliche Situation. Suchen Sie sofort Schutz in einem Keller oder Innenraum im untersten Stockwerk eines stabilen Gebäudes. Wenn Sie sich im Freien, in einem Wohnmobil oder in einem Fahrzeug aufhalten, suchen Sie den nächstgelegenen sicheren Unterstand auf und schützen Sie sich vor umherfliegenden Trümmern. Informieren Sie sich in den Medien.
Flash Flood Warning	Für dieses Gebiet gilt eine STURZFLUTWARNUNG. Dies ist eine äußerst gefährliche und lebensbedrohliche Situation. Versuchen Sie nicht zu fahren, es sei denn, Sie fliehen aus einem Überschwemmungsgebiet oder haben einen Evakuierungsbefehl.
Severe Thunderstorm Warning.	Für dieses Gebiet gilt eine SCHWERE GEWITTER WARNUNG mit zerstörerischen Windgeschwindigkeiten von 128 Kilometer pro Stunde. Suchen Sie Schutz in einem stabilen Gebäude, fern von Fenstern. Umherfliegende Trümmer können für Menschen, die keinen Schutz haben, tödlich sein.
Snow Squall Warning	Für dieses Gebiet gilt eine SCHNEEBÖENWARNUNG. Verlangsamen oder verzögern Sie die Reise! Seien Sie auf einen plötzlichen Abfall der Sichtverhältnisse und vereiste Straßen bei starkem Schneefall vorbereitet.
Dust Storm Warning	STAUBSTURMWARNUNG für dieses Gebiet. Seien Sie auf einen plötzlichen Abfall der Sichtverhältnisse vorbereitet. Zur Seite fahren und am Leben bleiben! Wenn die Sicht schlechter wird, fahren Sie weit von der Straße ab und parken Sie das Fahrzeug. Schalten Sie das Licht aus und lassen Sie den Fuß von der Bremse. Kleinkinder, ältere Menschen und Personen mit Atemwegserkrankungen werden aufgefordert Vorsichtsmaßnahmen zu treffen.
Hurricane Warning	Für dieses Gebiet gilt eine ORKANWARNUNG wegen gefährlichen und schädlichen Winden. Diese Warnung wird bis zu 36 Stunden vor Beginn gefährlicher Bedingungen ausgegeben. Die Bemühungen zum Schutz von Leben und Eigentum müssen dringend abgeschlossen werden. Halten Sie Lebensmittel, Wasser, Bargeld, Treibstoff und Medikamente für mehr als 3 Tage bereit. BEFOLGEN SIE DIE ANWEISUNG VON ÖRTLICHEN BEAMTEN.
Storm Surge Warning	Für dieses Gebiet gilt eine STURMFLUTWARNUNG wegen der Gefahr lebensgefährlicher Überschwemmungen. Diese Warnung wird bis zu 36 Stunden vor Beginn gefährlicher Bedingungen ausgegeben. Die Bemühungen zum Schutz von Leben und Eigentum müssen dringend abgeschlossen werden. Befolgen Sie gegebenenfalls für diesen Bereich gegebene Evakuierungsanweisungen, um zu vermeiden, dass Sie ertrinken oder Rettungsdiensten abgeschnitten werden.
Extreme Wind Warning	Für dieses Gebiet gilt eine EXTREME WINDWARNUNG wegen lebensbedrohlichen Windstärken. Gehen Sie SOFORT in Deckung, bestens in einen Innenraum eines stabilen Gebäudes. Schützen Sie Ihren Kopf vor umherfliegenden Trümmern. Gehen Sie NICHT während dem Orkanauge hinaus! Winde werden schnell wieder gefährlich.
Test Alert	DAS IST EIN TEST des bundesweiten Warnsystems. Der Zweck besteht darin, die Alarm- und Warnfunktionen auf Bundes-, Landes-, lokaler, Stammes- und Territorialebene aufrechtzuerhalten und zu verbessern und die öffentlichen Alarm- und Warnfunktionen des Landes zu bewerten. Es besteht kein Handlungsbedarf seitens der Öffentlichkeit.

Alert type	Alert template
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	TSUNAMI-WARNUNG. Eine Reihe starker Wellen und starker Strömungen können Auswirkungen auf die Küsten in Ihrer Nähe haben. Bleiben Sie außer Gefahr und vermeiden Sie Küstengewässer. Gehen Sie sofort auf eine Anhöhe oder ins Landesinnere. Halten Sie sich von der Küste fern, bis die örtlichen Behörden sagen, daß die Rückkehr gesichert ist.
Earthquake Warning	ERDBEBEN ERKANNT! Hinlegen, abdecken, festhalten. Schützen Sie sich.
Boil Water Advisory	Für Ihre Region wurde ein ABKOCHEBLOT FÜR TRINKWASSER ausgegeben. Wasser in Ihrer Gemeinde kann Sie krank machen. Verwenden Sie, sofern verfügbar, Wasser in Flaschen. Trinken Sie nicht, kochen Sie nicht damit, putzen Sie sich nicht die Zähne und reinigen Sie Ihr Zuhause nicht mit Leitungswasser oder gefiltertem Wasser, bevor Sie es abgekocht haben. Bringen Sie das Wasser DREI MINUTEN lang zum Kochen. Lassen Sie das Wasser vor dem Gebrauch abkühlen. Verwenden Sie kein Eis, das mit nicht abgekochtem Wasser hergestellt wurde. Wenn Sie Ihr Kind mit Säuglingsnahrung ernähren, verwenden Sie Fertignahrung. Stellen Sie sicher, dass Haustiere kein Leitungswasser trinken, das nicht abgekocht ist. Verfolgen Sie die lokalen Medien.
911 Outage Alert	112-AUSFALLALARM in diesem Bereich. Bitte wenden Sie sich im Notfall direkt an die Polizei, die Feuerwehr, den Arzt oder andere Rettungsdienste unter deren örtlichen Telefonnummern. Wenn Sie 112 wählen, erhalten Sie möglicherweise keine Hilfe.
Avalanche Warning	LAWINENWARNUNG in diesem Gebiet. Instabiler und gleitender Schnee kann schnell zu Verletzungen oder zum Tod führen und in den betroffenen Gebieten Straßen blockieren und Eigentum beschädigen. VERLASSEN Sie diesen Bereich. Kehren Sie nach der Evakuierung NICHT in das Gebiet zurück, bis Sie von den örtlichen Beamten dazu aufgefordert werden. Reisen in Lawinengebiete werden nicht empfohlen. Lawinen können weite Strecken zurücklegen.
Fire Warning	BRANDWARNUNG in diesem Bereich. Evakuieren Sie sofort Ihre Familie und Haustiere, zögern Sie nicht. Die Sicht in der Umgebung wird eingeschränkt und Straßen können blockiert werden. Wenn Sie jetzt nicht gehen, könnten Sie eingeklemmt, verletzt oder getötet werden. Rechnen Sie mit eingeschränkter Sicht, starker Rauchentwicklung und Atembeschwerden. Seien Sie beim Fahren vorsichtig. Achten Sie auf das in der Gegend tätige Personal der öffentlichen Sicherheit und befolgen Sie deren Anweisungen.
Hazardous Materials Warning.	In Ihrer Region sind GEFÄHRSTOFFE freigesetzt worden. Die Auslieferung kann zu Atembeschwerden, Koordinationsverlust, Brennen in Augen, Nase, Rachen oder Lunge, Übelkeit und möglicherweise zum Tod führen. VERLASSEN Sie diesen Bereich. Wenn Sie in einen Evakuierungsbereich fahren, halten Sie die Fenster und Lüftungsschlitze des Autos geschlossen. Kehren Sie nach der Evakuierung NICHT in das Gebiet zurück, bis Sie von den örtlichen Beamten dazu aufgefordert werden.
Evacuation Immediate	SOFORT evakuieren. In Ihrer Nähe erlassener Evakuierungsbefehl. Evakuieren Sie sofort Ihre Familie und Haustiere, zögern Sie nicht. Achten Sie auf das in der Gegend tätige Personal der öffentlichen Sicherheit und befolgen Sie deren Anweisungen.
Shelter in Place Warning ...	AUSGANGSSPERRE in Ihrer Nähe. Gefahr in Ihrer Nähe. Gehen Sie in einen Innenraum, schließen Sie die Türen und Fenster und bleiben Sie, wo Sie sind. Überwachen Sie die lokalen Medien. Bleiben Sie wachsam und vorsichtig.

FORM-FILLABLE ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: TORNADO-NOTFALL in [LOCATION] bis [TIME]. In dieser Gegend wurde ein Tornado gesichtet. Dies ist eine lebensbedrohliche Situation. Suchen Sie jetzt Schutz in einem Keller oder einem Innenraum im untersten Stockwerk eines stabilen Gebäudes. Wenn Sie sich im Freien, in einem Wohnmobil oder in einem Fahrzeug aufhalten, suchen Sie den nächstgelegenen sicheren Unterstand auf und schützen Sie sich vor umherfliegenden Trümmern. Medien verfolgen. [URL]
Flash Flood Warning	[SENDING AGENCY]: Für [LOCATION] gilt bis zum [TIME] ein STURZFLUTNOTSTAND. Dies ist eine äußerst gefährliche und lebensbedrohliche Situation. Versuchen Sie nicht zu fahren, es sei denn, Sie fliehen aus einem Überschwemmungsgebiet oder haben einen Evakuierungsbefehl. [URL]
Severe Thunderstorm Warning.	[SENDING AGENCY]: SCHWERE GEWITTERWARNUNG gilt für [LOCATION] bis [TIME] für ZERSTÖRERISCHE Windgeschwindigkeiten von 128 km pro Stunde. Suchen Sie Schutz in einem stabilen Gebäude, fern von Fenstern. Umherfliegende Trümmer können für Menschen, die keinen Schutz haben, tödlich sein. [URL]
Snow Squall Warning	[SENDING AGENCY]: Schneeböenwarnung für [LOCATION] bis [TIME]. Verlangsamen oder verzögern Sie die Reise! Seien Sie auf einen plötzlichen Abfall der Sichtverhältnisse auf nahezu null und vereiste Straßen bei starkem Schneefall vorbereitet. [URL]
Dust Storm Warning	[SENDING AGENCY]: STAUBSTURMWARNUNG für [LOCATION] bis [TIME]. Seien Sie auf einen plötzlichen Abfall der Sichtverhältnisse vorbereitet. Zurückziehen, am Leben bleiben! Wenn die Sicht schlechter wird, fahren Sie weit von der Straße ab und parken Ihr Fahrzeug. Schalten Sie das Licht aus und lassen Sie den Fuß von der Bremse. Kleinkinder, ältere Menschen und Personen mit Atemwegserkrankungen werden aufgefordert, Vorsichtsmaßnahmen zu treffen. [URL]
Hurricane Warning	[SENDING AGENCY]: Für [LOCATION] gilt eine ORKANWARNUNG wegen gefährlichen und schädlichen Winden, die bis [TIME] in Kraft ist. Diese Warnung wird bis zu 36 Stunden vor Beginn gefährlicher Bedingungen ausgegeben. Die Bemühungen zum Schutz von Leben und Eigentum müssen dringend abgeschlossen werden. Halten Sie Lebensmittel, Wasser, Bargeld, Treibstoff und Medikamente für mehr als 3 Tage bereit. Befolgen Sie die Anweisungen der örtlichen Beamten. [URL]

Alert type	Alert template
Storm Surge Warning	[SENDING AGENCY]: Für [LOCATION] gilt eine STURMFLUTWARNUNG wegen der Gefahr von lebensbedrohlichen Überschwemmungen bis [TIME]. Diese Warnung wird bis zu 36 Stunden vor Beginn gefährlicher Bedingungen ausgegeben. Die Bemühungen zum Schutz von Leben und Eigentum müssen dringend abgeschlossen werden. Befolgen Sie gegebenenfalls für diesen Bereich gegebene Evakuierungsanweisungen, um zu vermeiden, daß Sie ertrinken oder von Rettungsdiensten abgeschnitten werden. [URL]
Extreme Wind Warning	[SENDING AGENCY]: Für [LOCATION] gilt eine EXTREME WINDWARNUNG wegen unmittelbarer Gefahr durch lebensbedrohliche Winde bis [TIME]. Gehen Sie SOFORT in einem Innenraum eines stabilen Gebäudes, fern von Fenstern, in Deckung. Schützen Sie Ihren Kopf vor umherfliegenden Trümmern. Gehen Sie NICHT während dem Orkanauge hinaus! Winde werden schnell wieder gefährlich. [URL]
Test Alert	DIES IST EIN TEST des bundesweiten Warnsystems, gesendet von [SENDING AGENCY]. Der Zweck besteht darin, die Alarm- und Warnfunktionen auf Bundes-, Landes-, lokaler, Stammes- und Territorialebene aufrechtzuerhalten und zu verbessern und die öffentlichen Alarm- und Warnfunktionen des Landes zu bewerten. Es besteht kein Handlungsbedarf seitens der Öffentlichkeit. [URL]

MOST TIME-SENSITIVE ALERTS

Tsunami Warning	[SENDING AGENCY]: Die TSUNAMI-WARNUNG für [LOCATION] ist bis [TIME] in Kraft gesetzt. Eine Reihe starker Wellen und starker Strömungen können Auswirkungen auf die Küsten in Ihrer Nähe haben. Sie befinden sich in Gefahr. Vermeiden Sie Küstengewässer. Gehen Sie sofort auf eine Anhöhe oder ins Landesinnere. Halten Sie sich von der Küste fern, bis die örtlichen Behörden sagen, dass die Rückkehr gesichert ist. [URL]
Earthquake Warning	ERDBEBEN ERKANNT! Hinlegen, abdecken, festhalten. Schützen Sie sich. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: Die für [LOCATION] ausgestellte KOCHWASSERWARNUNG ist bis [TIME] gültig. Wasser in Ihrer Gemeinde kann Sie krank machen. Verwenden Sie, sofern verfügbar, Wasser in Flaschen. Trinken Sie nicht, kochen Sie nicht damit, putzen Sie sich nicht die Zähne und reinigen Sie Ihr Zuhause nicht mit Leitungswasser oder gefiltertem Wasser, bis Sie es abgekocht haben. Bringen Sie das Wasser DREI MINUTEN lang zum Kochen. Lassen Sie das Wasser vor dem Gebrauch abkühlen. Verwenden Sie kein Eis, das mit nicht abgekochtem Wasser hergestellt wurde. Wenn Sie Ihr Kind mit Säuglingsnahrung ernähren, verwenden Sie Fertignahrung. Stellen Sie sicher, dass Haustiere kein Wasser trinken, das nicht abgekocht ist. [URL]
911 Outage Alert	[SENDING AGENCY]: 112-AUSFALLALARM in [LOCATION] bis [TIME]. Bitte wenden Sie sich im Notfall direkt an die Polizei, die Feuerwehr, den Arzt oder andere Rettungsdienste unter deren örtlichen Telefonnummern. Wenn Sie 112 wählen, erhalten Sie möglicherweise keine Hilfe. [URL]
Avalanche Warning	[SENDING AGENCY]: Die LAWINENWARNUNG in [LOCATION] gilt bis [TIME]. Instabiler, schnell gleitender Schnee kann sehr schnell zu Verletzungen oder zum Tod führen und in den betroffenen Gebieten Straßen blockieren und Eigentum beschädigen. VERLASSEN Sie Bereiche in der Nähe von [LOCATION]. Kehren Sie nach der Evakuierung NICHT in das Gebiet zurück, bis Sie von den örtlichen Beamten dazu aufgefordert werden. Reisen in Lawinengebieten werden nicht empfohlen. Lawinen können weite Strecken zurücklegen. [URL]
Fire Warning	[SENDING AGENCY] BRANDWARNUNG in [LOCATION] ist bis [TIME] in Kraft. Evakuieren Sie sofort Ihre Familie und Haustiere, zögern Sie nicht. Die Sicht in der Umgebung wird eingeschränkt und Straßen können blockiert werden. Wenn Sie jetzt nicht gehen, könnten Sie eingeklemmt, verletzt oder getötet werden. VERLASSEN Sie Bereiche in der Nähe von [LOCATION]. Rechnen Sie mit eingeschränkter Sicht, starker Rauchentwicklung und Atembeschwerden. Seien Sie beim Fahren vorsichtig. Achten Sie auf das in der Gegend tätige Personal der öffentlichen Sicherheit und befolgen Sie deren Anweisungen. [URL]
Hazardous Materials Warning.	[SENDING AGENCY]: Um [TIME] ist es in [LOCATION] zu einer FREISETZUNG GEFÄHRLICHER STOFFE gekommen. Die Exposition kann zu Atembeschwerden, Koordinationsverlust, Brennen in Augen, Nase, Rachen oder Lunge, Übelkeit und möglicherweise zum Tod führen. VERLASSEN Sie Bereiche in der Nähe von [LOCATION]. Falls Sie in einen Evakuierungsbereich FAHREN, halten Sie die Fenster und Lüftungsschlitze des Autos geschlossen. Kehren Sie nach der Evakuierung NICHT in das Gebiet zurück, es sei denn, Sie werden von örtlichen Beamten angewiesen. [URL]
Evacuation Immediate	[SENDING AGENCY] hat einen Evakuierungsbefehl für [LOCATION] erlassen, der bis [TIME] gültig ist. Evakuieren Sie sofort Ihre Familie und Haustiere zögern Sie nicht. Achten Sie auf das in der Gegend tätige Personal der öffentlichen Sicherheit und befolgen Sie deren Anweisungen. [URL]
Shelter in Place Warning ...	[SENDING AGENCY] hat eine Ausgangssperre Warnung für [LOCATION] herausgegeben, die bis [TIME] in Kraft steht. Gefahr in Ihrer Nähe. Gehen Sie in einen Innenraum, schließen Sie die Türen und Fenster und bleiben Sie, wo Sie sind. Bleiben Sie wachsam und vorsichtig. [URL]

HAITIAN CREOLE TRANSLATION**STATIC ALERT TEMPLATES**

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	IJANS TORNAD. Toubiyon te lokalize nan zòn sa a. Sa a se yon sitiyasyon ki menase lavi. Pranabri kounye a nan yon sousòl oswa yon chanm enteryè nan etaj ki pi ba a nan yon bilding ki solid. Si w deyò, nan yon kay mobil, oswa nan yon machin, ale nanabri sibstansyèl ki pi pre a epi pwoteje tèt ou kont debri k ap vole. Tcheke medya yo.
Flash Flood Warning	YON IJANS INONDASYON RAPID an vigè pou zòn sa a. Sa a se yon sitiyasyon trè danjere e ki menase lavi. Pa eseye vwayaje sof si w ap sove kite yon zòn ki sibi inondasyon oswa anba yon lòd evakyasyon.

Alert type	Alert template
Severe Thunderstorm Warning.	AVÈTISMAN POU GWO TANPET LORAJ an vigè pou zòn sa a pou van DESTRIKTIF a 80 mil alè. Pranabri nan yon bilding ki solid, lwen fenèt yo. Debri k ap Vole ka danjere pou moun ki sezi sanabri.
Snow Squall Warning	AVETISMAN POU LANÈJ TOUDENKOU an efè pou zòn sa a. Ralanti oswa ranvwaye vwayaj ou! Pare pou yon rediksyon toudenkou nan vizibilite toupre zewo ak wout ki gen glas nan gwo nèj.
Dust Storm Warning	AVETISMAN POU TANPÈT POUSSYÈ pou zòn sa a. Prepare w pou yon vizibilite ki tonbe a zewo toudenkou. Ale sou kote, rete vivan! Lè vizibilite bese, rale tèt ou byen lwen arebò wout la epi mete machin ou a sou pak. Etenn limyè yo epi retire pye ou sou fren an. Tibebe, granmoun aje yo ak moun ki gen pwoblèm respiratwa ankouraje pou yo pran prekosyon.
Hurricane Warning	YON AVETISMAN POU SIKLON an efè pou zòn sa a pou van ki danjere e ki ka lakòz domaj. Avètisman sa a bay jiska 36 èdtan anvan kondisyon danjere yo kòmanse. Prese fè efò pou w pwoteje lavi ak pwopriyete. Gen manje, dlo, lajan kach, gaz, ak medikaman pou 3+ jou. SWIV ENSTRIKSYON OFISYÈ LOCAL YO.
Storm Surge Warning	Yon AVETISMAN POU TANPET AK GWO VAG an efè pou zòn sa a pou danje inondasyon ki menase lavi. Avètisman sa a bay jiska 36 èdtan anvan kondisyon danjere yo kòmanse. Prese fè efò pou w pwoteje lavi ak pwopriyete. Swiv lòd evakyasyon yo si yo bay yo pou zòn sa a, pou evite nwaye oswa koupe de sèvis ijans yo.
Extreme Wind Warning	YON AVETISMAN POU VAN EKSTRÈM an efè pou zòn sa a pou danje imedyat van ki menase lavi. Kache kounye a nan yon chanm enteryè nan yon bilding ki solid, lwen fenèt yo. Pwoteje tèt ou kont debri k ap vole. PA soti nan kalm je siklòn la! Van yo pral vin danjere byen vit ankò.
Test Alert	SA SE YON TES Sistèm Nasyonal Avètisman San Fil pou Ijans la. Objektif la se kenbe ak amelyore kapasite alèt ak avètisman nan nivo federal, eta, lokal, Tribi ak teritoryal epi evalye kapasite alèt ak avètisman piblik nasyon an. Piblik la pa gen okenn aksyon li oblije pran.

MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	AVÈTISMAN POU TSUNAMI. Yon seri vag pwisan ak kouran fò ka afekte kòt ki toupre w yo. Ou an danje. Ale lwen dlo kotyè yo. Ale nan tè wo oswa ki andedan kounye a. Rete lwen kòt la jiskaske otorite lokal yo di li an sekirite pou w retounen.
Earthquake Warning	TRANBLEMAN TÈ DETEKTE! Bese, kouvri, kenbe. Pwoteje tèt ou.
Boil Water Advisory	YON KONSÈY POU BOUYI DLO bay pou zòn ou an. Dlo nan kominote w la ka fè w malad. Sèvi ak dlo nan boutèy si sa disponib. Pa bwè, kwit manje, bwose dan ou, oswa netwaye kay ou ak dlo tiyo oswa dlo filtre pa anvan ou bouyi li. Fè dlo a bouyi woule an plen PANDAN TWA MINIT. Si w itilize fòmil pou bay pitit ou manje, sèvi ak fòmil ki pare pou itilize. Asire w ke bèt kay pa bwè dlo ki pa te bouyi. Tcheke medya lokal yo.
911 Outage Alert	AVETISMAN PANN 911 nan zòn sa a. Tanpri kontakte lapolis, ponpye, medikal, oswa lòt sèvis ijans dirèkteman nan nimewo telefòn lokal yo nan ka ijans. Si w rele 911, ou ka pa jwenn èd.
Avalanche Warning	AVETISMAN POU LAVALAS nan zòn sa a. Nèj ki enstab, an mouvman rapid ka rive byen vit, sa ka lakòz blesi oswa lanmò epi li ka bloke wout ak domaj pwopriyete nan zòn ki afekte yo. KITE zòn sa a. PA retounen nan zòn nan apre evakyasyon an jiskaske otorite lokal yo dirije w. Vwayaje nan tèren lavalas pa rekòmande. Lavalas gendwa kouvri distans ki byen lwen.
Fire Warning	AVETISMAN POU DIFE nan zòn sa a. Evakye fanmi w ak bèt kay ou kounye a, pa pran reta. Vizibilite nan zòn nan pral redwi epi wout yo ka vin bloke. Si ou pa kite kounye a, ou ka bloke, blese, oswa mouri. Atann ou a vizibilite ki diminye, gwo lafimen, ak difikilte pou respire. Fè atansyon lè w ap kondwi. Siveye pèsònèl sekirite piblik k ap travay nan zòn nan epi swiv enstriksyon yo.
Hazardous Materials Warning.	YON MATERYÈL DANJERE te lage nan zòn ou an. Ekspoze a li ka lakòz difikilte pou respire, pèt kowòdinasyon, sansasyon boule nan je, nen, gòj, oswa poumon, kè plen, e pètèt lanmò. KITE zòn sa a. SI W ap KONDWI pou w evakye zòn nan, kenbe fenèt ak vantilasyon machin yo fèmen. PA retounen nan zòn nan apre evakyasyon an jiskaske otorite lokal yo dirije w.
Evacuation Immediate	EVAKYE IMEDYATMAN. Lòd evakyasyon bay nan zòn ou an. Evakye fanmi w ak bèt kay ou kounye a, pa pran reta. Siveye pèsònèl sekirite piblik k ap travay nan zòn nan epi swiv enstriksyon yo.
Shelter in Place Warning ...	AVETISMAN POU PRAN ABRI AN PLAS te bay nan zòn ou an. Danje nan zòn ou an. Ale andedan nan yon chanm enteryè, fèmen pòt yo ak fenèt yo, epi rete kote ou ye a. Tcheke medya lokal yo. Rete vijilan epi pran prekosyon.

FORM-FILLABLE ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: IJANS TORNAD nan [LOCATION] jiska [TIME]. Toubiyon detekte nan zòn sa a. Sa a se yon sityasyon ki menase lavi. Pranabri kounye a nan yon sousòl oswa yon chanm enteryè nan etaj ki pi ba a nan yon bilding ki solid. Si w deyò, nan yon kay mobil, oswa nan yon machin, ale nanabri sibstansyèl ki pi pre a epi pwoteje tèt ou kont debri k ap vole. Tcheke medya yo. [URL]
Flash Flood Warning	[SENDING AGENCY]: YON IJANS INONDASYON RAPID an vigè pou [LOCATION] jiska [TIME]. Sa a se yon sityasyon trè danjere e ki menase lavi. Pa eseye vwayaje sof si w ap sove kite yon zòn ki sibi inondasyon oswa anba yon lòd evakyasyon. [URL]
Severe Thunderstorm Warning.	[SENDING AGENCY]: AVÈTISMAN POU GWO TANPÈT AK LORAJ an vigè pou [LOCATION] jiska [TIME] pou Van DESTRUKTIF a 80 mil alè. Pranabri nan yon bilding ki solid, lwen fenèt yo. Debri k ap vole yo ka trè danjere pou moun ki sezi sanabri. [URL]
Snow Squall Warning	[SENDING AGENCY]: Avètisman pou Lanèj Toudenkou pou [LOCATION] jiska [TIME]. Ralanti oswa ranvwaye vwayaj ou! Pare pou yon rediksyon toudenkou nan vizibilite toupre zewo ak wout ki gen glas pandan gwo nèj. [URL]

Alert type	Alert template
Dust Storm Warning	[SENDING AGENCY]: AVETISMAN POU TANPÈT POU SYÈ for [LOCATION] jiska [TIME]. Prepare w pou yon vizibilite ki tonbe a zewo toudenkou. Ale sou kote, rete vivan! Lè vizibilite bese, rale tèt ou byen lwen arebò wout la epi mete machin ou a sou pak. Etenn limyè yo epi retire pye ou sou fren an. Tibebe, granmoun aje yo ak moun ki gen pwoblèm respiratwa ankouraje pou yo pran prekosyon. [URL]
Hurricane Warning	[SENDING AGENCY]: YON AVETISMAN POU SIKLON an efè pou [LOCATION] pou van ki danjere e ki ka lakòz domaj an efè jiska [TIME]. Avètisman sa a bay jiska 36 èdtan anvan kondisyon danjere yo kòmanse. Prese fè efò pou w pwoteje lavi ak pwopriyete. Gen manje, dlo, lajan kach, gaz, ak medikaman pou 3+ jou. SWIV ENSTRIKSYON OFISYÈ LOÇAL YO. [URL]
Storm Surge Warning	[SENDING AGENCY]: YON AVETISMAN TANPÈT AK GWO VAG an vigè pou [LOCATION] pou danje inondasyon ki menase lavi jiska [TIME]. Avètisman sa a bay jiska 36 èdtan anvan kondisyon danjere yo kòmanse. Prese fè efò pou w pwoteje lavi ak pwopriyete. Swiv lòd evakyasyon yo si yo bay yo pou zòn sa a, pou evite nwaye oswa koupe de sèvis ijans yo. [URL]
Extreme Wind Warning	[SENDING AGENCY]: Yon AVETISMAN POU VAN EKTRÈM an vigè pou [LOCATION] pou danje imedyat van ki menase lavi jiska [TIME]. Kache kounye a nan yon chanm enteryè nan yon bilding ki solid, lwen fenèt yo. Pwoteje tèt ou kont debri k ap vole. PA soti nan kalm je siklòn la! Van yo pral pral danjere byen vit ankò. [URL]
Test Alert	SA SE YON TES Sistèm Nasyonal Avètisman San Fil pou Ijans la [SENDING AGENCY]. Objektif la se kenbe ak amelyore kapasite alèt ak avètisman nan nivo federal, eta, lokal, Tribi ak teritoryal epi evalye kapasite alèt ak avètisman piblik nasyon an. Piblik la pa gen okenn aksyon li oblije pran. [URL]

MOST TIME-SENSITIVE ALERTS

Tsunami Warning	[SENDING AGENCY]: AVÈTISMAN POU TSUNAMI pou [LOCATION] an vigè jiska [TIME]. Yon seri vag pwisan ak kouran fò ka afekte kòt ki toupre w yo. Ou an danje. Ale lwen dlo kotyè yo. Ale nan tè wo oswa ki andedan kounye a. Rete lwen kòt la jiskaske otorite lokal yo di li an sekirite pou w retounen. [URL]
Earthquake Warning	TRANBLEMANNTÈ DETEKTE! Bese, kouvri, kenbe. Pwoteje tèt ou. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: YON KONSEY POU BOUYI DLO bay pou [LOCATION] an vigè jiska [TIME]. Dlo nan kominote w la ka fè w malad. Sèvi ak dlo nan boutèy si sa disponib. Pa bwè, kwit manje, bwose dan ou, oswa netwaye kay ou ak dlo tiyo oswa dlo filtre pa anvan ou bouyi li. Fè dlo a bouyi woule an plen PANDAN TWA MINIT. Si w itilize fòmil pou bay pitit ou manje, sèvi ak fòmil ki pare pou itilize. Asire w ke bèt kay pa bwè dlo ki pa te bouyi. Tcheke medya lokal yo. [URL]
911 Outage Alert	[SENDING AGENCY]: AVÈTISMAN PANN 911 nan [LOCATION] an vigè jiska [TIME]. Tanpri kontakte lapolis, ponpye, medikal, oswa lòt sèvis ijans dirèkteman nan nimewo telefòn lokal yo nan ka ijans. Si w re 911, ou ka pa jwenn èd. [URL]
Avalanche Warning	[SENDING AGENCY]: AVÈTISMAN POU LAVALAS nan [LOCATION] an vigè jiska [TIME]. Nè ki enstab, an mouvman rapid ka rive byen vit, sa ka lakòz blesi oswa lanmò epi li ka bloke wout ak domaje pwopriyete nan zòn ki afekte yo. KITE zòn ki toupre [LOCATION]. PA retounen nan zòn nan apre evakyasyon an jiskaske otorite lokal yo dirije w. Vwayaje nan tèren lavalas pa rekòmande. Lavalas gendwa kouvri distans ki byen lwen. [URL]
Fire Warning	[SENDING AGENCY] AVÈTISMAN POU DIFE nan [LOCATION] an vigè jiska [TIME]. Evakye fanmi w ak bèt kay ou kounye a, pa pran reta. Vizibilite nan zòn nan pral redwi epi wout yo ka vin bloke. Si ou pa kite kounye a, ou ka bloke, blese, oswa mouri. KITE zòn ki toupre [LOCATION]. Atann ou a vizibilite ki diminye, gwo lafimen, ak difikilte pou respire. Fè atansyon lè w ap kondwi. Siveye pèsònèl sekirite piblik k ap travay nan zòn nan epi swiv enstriksyon yo. [URL]
Hazardous Materials Warning.	[SENDING AGENCY] : YON MATERYÈL DANJERE te lage a [TIME] nan [LOCATION]. Ekspoze a li ka lakòz difikilte pou respire, pèt kowòdinasyon, sansasyon boule nan je, nen, gòj, oswa poumon, kè plen, e pètèt lanmò. KITE zòn ki toupre [LOCATION]. SI W ap KONDWI pou w evakye zòn nan, kenbe fenèt ak vantilasyon machin yo fèmen. PA retounen nan zòn nan apre evakyasyon an jiskaske otorite lokal yo dirije w. [URL]
Evacuation Immediate	[SENDING AGENCY] te bay yon Lòd evakyasyon pou [LOCATION] ki an vigè jiska [TIME]. Evakye fanmi w ak bèt kay ou kounye a, pa pran reta. Siveye pèsònèl sekirite piblik k ap travay nan zòn nan epi swiv enstriksyon yo. [URL]
Shelter in Place Warning ...	[SENDING AGENCY] te bay yon Lòd POU [LOCATION] PRAN ABRI AN PLAS ki an vigè jiska. Danje nan zòn ou an. Ale andedan nan yon chanm enteryè, fèmen pòt yo ak fenèt yo, epi rete kote ou ye a. Rete vijilan epi pran prekosyon. [URL]

HINDI TRANSLATION

STATIC ALERT TEMPLATES

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	तूफान से संबंधित आपात स्थिति। इस इलाके में तूफान देखा गया है। यह जान को जोखिम में डालने वाली स्थिति है। अभी किसी तहखाने में या फिर किसी मज़बूत इमारत की सबसे नीचे वाली मंज़िल के अंदरूनी कमरे में आश्रय लें। अगर आप बाहर हैं, किसी मोबाइल घर में हैं या वाहन में हैं, तो सबसे करीबी मजबूत आश्रय स्थान पर जाएं और खुद को उड़ते हुए मलबे से सुरक्षित रखें। मीडिया जाँचें।
Flash Flood Warning	इस इलाके में एक आकस्मिक बाढ़ संबंधी आपात स्थिति है। यह एक अत्यधिक खतरनाक और जान को जोखिम में डालने वाली स्थिति है। आप बाढ़ग्रस्त इलाके से भाग रहे हों या स्थान को खाली करने के आदेश के अधीन हों, इसके अलावा कोई और यात्रा करने की कोशिश न करें।
Severe Thunderstorm Warning	इस इलाके के लिए बादल के गरजने के साथ आँधी और बरसात की गंभीर चेतावनी प्रभावी है, जिसमें 80 मील प्रति घंटा की गति वाली विनाशकारी हवा भी चलेगी। किसी मज़बूत इमारत में खिड़कियों से दूर आश्रय लें। बिना आश्रय के फँसे हुए लोगों के लिए उड़ता हुआ मलबा जानलेवा हो सकता है।

Snow Squall Warning	इस इलाके में बर्फबारी की चेतावनी जारी की गई है। धीरे चलें या बाद में यात्रा करें! भारी बर्फबारी के साथ अचानक दृश्यता शून्य होने, बर्फ से ढंकी सड़कों के लिए तैयार रहें।
Dust Storm Warning	इस इलाके में धूल के तूफान की चेतावनी। दृश्यता अचानक शून्य हो जाने के लिए तैयार रहें। सड़क के किनारे पर रुक जाएं, जीवित रहें! जब दृश्यता कम हो जाए, तो सड़क से दूर होकर रुक जाएं और अपने वाहन को पार्क में लगा दें। बत्तियाँ बुझा दें और अपना पैर ब्रेक से दूर रखें। शिशुओं, वरिष्ठ नागरिकों और श्वसन संबंधी समस्याओं वाले लोगों से एहतियात बरतने का आग्रह किया जाता है।
Hurricane Warning	इस इलाके में खतरनाक और हानिकारक हवाओं वाले हरिकेन की चेतावनी प्रभावी है। यह चेतावनी खतरनाक परिस्थितियाँ शुरू होने के 36 घंटे पहले जारी की जाती है। जीवन और संपत्ति की सुरक्षा के तत्काल पूरे प्रयास करें। 3+ दिनों के लिए भोजन, पानी, नकदी, ईंधन और दवाइयाँ रखें। स्थानीय अधिकारियों के निर्देशों का पालन करें।
Storm Surge Warning	इस इलाके में जानलेवा बाढ़ के खतरे के लिए तूफान में तेज़ी की चेतावनी प्रभावी है। यह चेतावनी खतरनाक परिस्थितियाँ शुरू होने के 36 घंटे पहले जारी की जाती है। जीवन और संपत्ति की सुरक्षा के तत्काल पूरे प्रयास करें। अगर इस इलाके को खाली करने के आदेश दिए जाएं, तो डूबने या आपात सेवाओं से कट जाने से बचने के लिए उनका पालन करें।
Extreme Wind Warning	इस इलाके में जानलेवा हवा के खतरे के लिए अत्यधिक तेज़ हवा की चेतावनी प्रभावी है। अभी किसी मज़बूत इमारत के अंदरूनी कमरे में खिड़कियों से दूर

	आश्रय लें। उड़ते हुए मलबे से अपने सिर को बचाएं। हरिकेन के केंद्र की शांति में बाहर न जाएं! हवाएं फिर से तेज़ी से खतरनाक हो जाएंगी।
Test Alert	यह राष्ट्रीय वायरलेस आपात स्थिति अलर्ट प्रणाली का परीक्षण है। इसका उद्देश्य संघीय, राज्य, स्थानीय, जनजातीय और क्षेत्रीय स्तरों पर अलर्ट और चेतावनी क्षमताओं को बनाए रखना और बेहतर बनाना है और साथ ही राष्ट्र की सार्वजनिक अलर्ट और चेतावनी क्षमताओं का मूल्यांकन करना है। आम जनता को कोई कार्रवाई करने की ज़रूरत नहीं है।
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	सुनामी की चेतावनी। आपके करीब के समुद्र के किनारे कई शक्तिशाली लहरों और तेज़ प्रवाह से प्रभावित हो सकते हैं। आप खतरे में हैं। तटीय पानी से दूर हट जाएं। अभी ऊँचे स्थान पर या समुद्र से दूर चले जाएं। जब तक स्थानीय अधिकारी यह न कहें कि लौटना सुरक्षित है, समुद्र तट से दूर रहें।
Earthquake Warning	भूकंप का पता चला है! नीचे झुक जाएं, कवर लें, वहीं रुके रहे। खुद की सुरक्षा करें।
Boil Water Advisory	आपके इलाके के लिए पानी उबालकर पीने का अलर्ट जारी किया गया है। आपके समुदाय में उपलब्ध पानी आपको बीमार कर सकता है। उपलब्ध होने पर बोतलबंद पानी का इस्तेमाल करें। अपने घर में नल के या फ़िल्टर किए गए पानी को बिना उबाले न पिएं, उससे खाना न पकाएं, ब्रश न करें या अपना घर साफ़ न करें। पानी को तीन मिनट तक अच्छी तरह से उबालें। उपयोग करने से पहले पानी

	को ठंडा होने दें। उबाला न गया हो ऐसे पानी से बनी बर्फ को इस्तेमाल न करें। अगर आप अपने बच्चे को फार्मूला खिलाते हैं, तो इसके लिए उपयोग के लिए तैयार फार्मूल इस्तेमाल करें। सुनिश्चित करें कि पालतू जानवर उबाला न गया हो ऐसा पानी न पिएं। स्थानीय मीडिया जाँचें।
911 Outage Alert	इस इलाके में 911 सेवा में अवरोध का अलर्ट। आपात स्थिति होने पर कृपया पुलिस, दमकल, चिकित्सा या अन्य आपात सेवाओं से सीधे उनके स्थानीय फ़ोन नंबर पर संपर्क करें। अगर आप 911 डायल करें, तो हो सकता है कि आपको मदद न मिले।
Avalanche Warning	इस इलाके में हिमस्खलन की चेतावनी जारी की गई है। अस्थिर, तेज़ी से गतिशील बर्फ की चट्टान कभी भी गिर सकती है, और इससे चोट या मृत्यु हो सकती है, सड़कें अवरुद्ध हो सकती हैं और प्रभावित क्षेत्रों में संपत्ति को नुकसान पहुँच सकता है। इस क्षेत्र को छोड़ दें। खाली करने के बाद, स्थानीय अधिकारियों से निर्देश मिलने तक इस इलाके में न लौटें। हिमस्खलन वाले इलाके में यात्रा न करने की सलाह दी जाती है। हिमस्खलन लंबी दूरी तक हो सकता है।
Fire Warning	इस इलाके में आग की चेतावनी जारी की गई है। अपने परिवार और पालतू जानवरों को अभी किसी और स्थान पर ले जाएं, देर न करें। इलाके में दृश्यता कम होगी और सड़कें अवरुद्ध हो सकती हैं। अगर आप अभी नहीं जाते हैं, तो आप फंस सकते हैं, आपको चोट लग सकती है या आपकी जान जा सकती है। कम दृश्यता, भारी धुएं और साँस लेने में मुश्किल की अपेक्षा करें। वाहन चलाते वक्त

	सावधान रहें। इलाके में कार्यरत सार्वजनिक सुरक्षा कर्मियों को खोजते रहें और उनके निर्देशों का पालन करें।
Hazardous Materials Warning	आपके इलाके में कोई खतरनाक सामग्री रिलीज़ हुई है। इसके संपर्क में आने से साँस लेने में परेशानी, समन्वय खोना, आँखों, नाक, गले या फेफड़ों में जलने की अनुभूति, मतली और संभवतः मृत्यु हो सकती है। इस क्षेत्र को छोड़ दें। अगर इलाके को खाली करने के लिए वाहन चला रहे हों, तो गाड़ी की खिड़कियाँ और वेंट बंद रखें। खाली करने के बाद, स्थानीय अधिकारियों से निर्देश मिलने तक इस इलाके में न लौटें।
Evacuation Immediate	तत्काल स्थान खाली करें। आपके इलाके में स्थान को खाली करने का आदेश जारी किया गया है। अपने परिवार और पालतू जानवरों को अभी किसी और स्थान पर ले जाएं, देर न करें। इलाके में कार्यरत सार्वजनिक सुरक्षा कर्मियों को खोजते रहें और उनके निर्देशों का पालन करें।
Shelter in Place Warning	आपके इलाके में स्थान पर ही शरण लेने की चेतावनी जारी की गई है। आपके इलाके में खतरा है। किसी अंदरूनी कमरे में चले जाएं, खिड़कियाँ और दरवाज़े बंद कर लें और जहाँ हैं वहीं रहें। स्थानीय मीडिया जाँचें। सतर्क रहें और सावधानी बरतें।

FORM-FILLABLE ALERT TEMPLATES

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक तूफान संबंधी आपात स्थिति है। इस इलाके में तूफान देखा गया है। यह जान को जोखिम में डालने वाली स्थिति है। अभी किसी तहखाने में या फिर किसी मज़बूत इमारत की सबसे नीचे वाली मंज़िल के अंदरूनी कमरे में आश्रय लें। अगर आप बाहर हैं, किसी मोबाइल घर में हैं या वाहन में हैं, तो सबसे करीबी मजबूत आश्रय स्थान पर जाएं और खुद को उड़ते हुए मलबे से सुरक्षित रखें। मीडिया जाँचें। [URL]
Flash Flood Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक एक आकस्मिक बाढ़ की आपात स्थिति की चेतावनी प्रभावी है। यह एक अत्यधिक खतरनाक और जान को जोखिम में डालने वाली स्थिति है। आप बाढ़ग्रस्त इलाके से भाग रहे हों या स्थान को खाली करने के आदेश के अधीन हों, इसके अलावा कोई और यात्रा करने की कोशिश न करें। [URL]
Severe Thunderstorm Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक बादल के गरजने के साथ आँधी और बरसात की गंभीर चेतावनी प्रभावी है, जिसमें 80 मील प्रति घंटा की गति वाली विनाशकारी हवा भी चलेगी। किसी मज़बूत इमारत में खिड़कियों से दूर आश्रय लें। बिना आश्रय के फँसे हुए लोगों के लिए उड़ता हुआ मलबा जानलेवा हो सकता है। [URL]

Snow Squall Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक बर्फबारी की चेतावनी। धीरे चलें या बाद में यात्रा करें! भारी बर्फबारी के साथ अचानक दृश्यता शून्य होने, बर्फ से ढंकी सड़कों के लिए तैयार रहें। [URL]
Dust Storm Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक धूल के तूफान की चेतावनी। दृश्यता अचानक शून्य हो जाने के लिए तैयार रहें। सड़क के किनारे पर रुक जाएं, जीवित रहें! जब दृश्यता कम हो जाए, तो सड़क से दूर होकर रुक जाएं और अपने वाहन को पार्क में लगा दें। बत्तियाँ बुझा दें और अपना पैर ब्रेक से दूर रखें। शिशुओं, वरिष्ठ नागरिकों और श्वसन संबंधी समस्याओं वाले लोगों से एहतियात बरतने का आग्रह किया जाता है। [URL]
Hurricane Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक खतरनाक और हानिकारक हवाओं के लिए हरिकेन की चेतावनी जारी की गई है। यह चेतावनी खतरनाक परिस्थितियाँ शुरू होने के 36 घंटे पहले जारी की जाती है। जीवन और संपत्ति की सुरक्षा के तत्काल पूरे प्रयास करें। 3+ दिनों के लिए भोजन, पानी, नकदी, ईंधन और दवाइयाँ रखें। स्थानीय अधिकारियों के निर्देशों का पालन करें। [URL]
Storm Surge Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक जानलेवा बाढ़ के खतरे के लिए तूफान में तेज़ी की चेतावनी प्रभावी है। यह चेतावनी खतरनाक परिस्थितियाँ शुरू होने के 36 घंटे पहले जारी की जाती है। जीवन और संपत्ति की सुरक्षा के तत्काल पूरे प्रयास करें। अगर इस इलाके को खाली करने के आदेश

	दिए जाएं, तो डूबने या आपात सेवाओं से कट जाने से बचने के लिए उनका पालन करें। [URL]
Extreme Wind Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक जानलेवा हवा के खतरे के लिए अत्यधिक तेज़ हवा की चेतावनी प्रभावी है। अभी किसी मज़बूत इमारत के अंदरूनी कमरे में खिड़कियों से दूर आश्रय लें। उड़ते हुए मलबे से अपने सिर को बचाएं। हरिकेन के केंद्र की शांति में बाहर न जाएं! हवाएं फिर से तेज़ी से खतरनाक हो जाएंगी। [URL]
Test Alert	यह [SENDING AGENCY] के द्वारा भेजा गया राष्ट्रीय वायरलेस आपात स्थिति अलर्ट प्रणाली का परीक्षण है। इसका उद्देश्य संघीय, राज्य, स्थानीय, जनजातीय और क्षेत्रीय स्तरों पर अलर्ट और चेतावनी क्षमताओं को बनाए रखना और बेहतर बनाना है और साथ ही राष्ट्र की सार्वजनिक अलर्ट और चेतावनी क्षमताओं का मूल्यांकन करना है। आम जनता को कोई कार्रवाई करने की ज़रूरत नहीं है। [URL]
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक सुनामी की चेतावनी प्रभावी है। आपके करीब के समुद्र के किनारे कई शक्तिशाली लहरों और तेज़ प्रवाह से प्रभावित हो सकते हैं। आप खतरे में हैं। तटीय पानी से दूर हट जाएं। अभी ऊँचे स्थान पर या समुद्र से दूर चले जाएं। जब तक स्थानीय अधिकारी यह न कहें कि लौटना सुरक्षित है, समुद्र तट से दूर रहें। [URL]

Earthquake Warning	भूकंप का पता चला है! नीचे झुक जाएं, कवर लें, वहीं रुके रहे। खुद की सुरक्षा करें। [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: [LOCATION] के लिए जारी किया गया पानी उबालकर पीने का अलर्ट [TIME] तक प्रभावी है। आपके समुदाय में उपलब्ध पानी आपको बीमार कर सकता है। उपलब्ध होने पर बोतलबंद पानी का इस्तेमाल करें। अपने घर में नल के या फ़िल्टर किए गए पानी को बिना उबाले न पिएं, उससे खाना न पकाएं, ब्रश न करें या अपना घर साफ़ न करें। पानी को तीन मिनट तक अच्छी तरह से उबालें। उपयोग करने से पहले पानी को ठंडा होने दें। उबाला न गया हो ऐसे पानी से बनी बर्फ़ को इस्तेमाल न करें। अगर आप अपने बच्चे को फार्मूला खिलाते हैं, तो इसके लिए उपयोग के लिए तैयार फार्मूल इस्तेमाल करें। सुनिश्चित करें कि पालतू जानवर उबाला न गया हो ऐसा पानी न पिएं। [URL]
911 Outage Alert	[SENDING AGENCY]: [LOCATION] में [TIME] तक 911 सेवा में अवरोध संबंधी अलर्ट। आपात स्थिति होने पर कृपया पुलिस, दमकल, चिकित्सा या अन्य आपात सेवाओं से सीधे उनके स्थानीय फ़ोन नंबर पर संपर्क करें। अगर आप 911 डायल करें, तो हो सकता है कि आपको मदद न मिले। [URL]
Avalanche Warning	[SENDING AGENCY]: [LOCATION] में [TIME] तक हिमस्खलन की चेतावनी प्रभावी है। अस्थिर, तेज़ी से गतिशील बर्फ़ की चट्टान कभी भी गिर सकती है, और इससे चोट या मृत्यु हो सकती है, सड़कें अवरुद्ध हो सकती हैं और

	प्रभावित क्षेत्रों में संपत्ति को नुकसान पहुँच सकता है। [LOCATION] के नज़दीक के इलाके छोड़ दें। खाली करने के बाद, स्थानीय अधिकारियों से निर्देश मिलने तक इस इलाके में न लौटें। हिमस्खलन वाले इलाके में यात्रा न करने की सलाह दी जाती है। हिमस्खलन लंबी दूरी तक हो सकता है। [URL]
Fire Warning	[SENDING AGENCY] [LOCATION] में आग की चेतावनी [TIME] तक प्रभावी है। अपने परिवार और पालतू जानवरों को अभी किसी और स्थान पर ले जाएं, देर न करें। इलाके में दृश्यता कम होगी और सड़कें अवरुद्ध हो सकती हैं। अगर आप अभी नहीं जाते हैं, तो आप फंस सकते हैं, आपको चोट लग सकती है या आपकी जान जा सकती है। [LOCATION] के नज़दीक के इलाके छोड़ दें। कम दृश्यता, भारी धुएं और साँस लेने में मुश्किल की अपेक्षा करें। वाहन चलाते वक्त सावधान रहें। इलाके में कार्यरत सार्वजनिक सुरक्षा कर्मियों को खोजते रहें और उनके निर्देशों का पालन करें। [URL]
Hazardous Materials Warning	[SENDING AGENCY]: [LOCATION] में [TIME] को एक खतरनाक सामग्री रिलीज़ हुई है। इसके संपर्क में आने से साँस लेने में परेशानी, समन्वय खोना, आँखों, नाक, गले या फेफड़ों में जलने की अनुभूति, मतली और संभवतः मृत्यु हो सकती है। [LOCATION] के नज़दीक के इलाके छोड़ दें। अगर इलाके को खाली करने के लिए वाहन चला रहे हों, तो गाड़ी की खिड़कियाँ और वेंट बंद रखें। खाली करने के बाद, स्थानीय अधिकारियों से निर्देश मिलने तक इस इलाके में न लौटें। [URL]

Evacuation Immediate	[SENDING AGENCY] ने [LOCATION] के लिए स्थान खाली करने का आदेश जारी किया गया है, जो कि [TIME] तक प्रभावी है। अपने परिवार और पालतू जानवरों को अभी किसी और स्थान पर ले जाएं, देर न करें। इलाके में कार्यरत सार्वजनिक सुरक्षा कर्मियों को खोजते रहें और उनके निर्देशों का पालन करें। [URL]
Shelter in Place Warning	[SENDING AGENCY] ने [LOCATION] के लिए स्थान पर ही शरण लेने की चेतावनी जारी की गई है, जो कि [TIME] तक प्रभावी है। आपके इलाके में खतरा है। किसी अंदरूनी कमरे में चले जाएं, खिड़कियां और दरवाज़े बंद कर लें और जहाँ हैं वहीं रहें। सतर्क रहें और सावधानी बरतें। [URL]

ITALIAN TRANSLATION
STATIC ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	EMERGENZA TORNADO. Tornado avvistato in zona. Questo evento rappresenta un pericolo per la vita. Si esortano gli utenti a mettersi al riparo in un seminterrato o in una stanza cieca al piano più basso di un edificio resistente. Chi si trova all'aperto, in una casa mobile o in un veicolo, deve mettersi al riparo in una struttura adeguata più vicina e proteggersi dai detriti volanti. Tenersi sempre aggiornati sui mezzi di comunicazione.
Flash Flood Warning	EMERGENZA ALLUVIONE IMMEDIATA in vigore per quest'area. Si tratta di una situazione estremamente pericolosa, anche per la vita. Si esortano gli utenti a non mettersi in viaggio a meno che non ci si stia allontanando da un'area soggetta ad inondazioni o ad un ordine di evacuazione.
Severe Thunderstorm Warning.	AVVISO DI FORTI TEMPORALI in vigore per quest'area, caratterizzati da VIOLENTE raffiche di vento che potrebbero raggiungere quasi 130 chilometri (80 miglia) all'ora. Ripararsi in un edificio resistente e lontano dalle finestre. I detriti volanti potrebbero causare danni letali a coloro che si trovano all'aperto.
Snow Squall Warning	AVVISO BUFERA DI NEVE in vigore per quest'area. Si esortano gli utenti che si trovano in viaggio di rallentare o di posticipare il viaggio! Gli utenti devono tenersi pronti a possibili perdite improvvise di visibilità, anche pressoché totale, e alla presenza di ghiaccio sul manto stradale in caso di forti nevicate.
Dust Storm Warning	AVVISO DI TEMPESTA DI SABBIA in questa zona. Tenersi pronti ad un improvviso calo di visibilità fino a zero. Si esortano i guidatori di accostarsi per tenersi in sicurezza! Quando la visibilità diminuisce, accostarsi e parcheggiare il proprio veicolo. Spegnere le luci e tenere il piede lontano dal pedale del freno. Neonati, anziani e persone con patologie respiratorie sono invitati a prendere precauzioni.
Hurricane Warning	In quest'area è in vigore un'ALLARME URAGANO con venti pericolosi e dannosi. Il presente avviso viene emesso fino a 36 ore prima che si verifichino condizioni pericolose. Si esortano gli utenti ad affrettarsi a fare i dovuti preparativi per proteggere la vita e le proprietà. Avere a disposizione cibo, acqua, contanti, carburante e farmaci per più di 3 giorni. SEGUIRE LE ISTRUZIONI FORNITE DAI FUNZIONARI LOCALI.
Storm Surge Warning	In quest'area è in vigore un'AVVISO DI MAREGGIATA con pericolo di inondazioni potenzialmente letali. Il presente avviso viene emesso fino a 36 ore prima che si verifichino condizioni pericolose. Si esortano gli utenti ad affrettarsi a fare i dovuti preparativi per proteggere la vita e le proprietà. Seguire gli ordini di evacuazione applicabili a quest'area, per evitare di annegare o di non poter fare uso dei servizi di emergenza.
Extreme Wind Warning	In quest'area è in vigore un' AVVISO DI VENTO ESTREMO con pericolo immediato di raffiche di vento potenzialmente letali. Mettersi al riparo in QUESTO MOMENTO in una stanza cieca di un edificio resistente e lontano dalle finestre. Proteggersi da eventuali detriti volanti. NON recarsi all'aperto durante periodi di calma nel corso dell'uragano! Raffiche di vento si verificano all'improvviso anche dopo periodi di calma.
Test Alert	QUESTO È UN TEST condotto dal Sistema nazionale di allarme di emergenza wireless. Lo scopo è quello di mantenere e migliorare le capacità di allerta e di allarme a livello federale, statale, locale, tribale e territoriale, e di valutare le capacità di allerta e di allarme pubblico della nazione. Non è richiesta alcuna azione da parte del pubblico.

MOST TIME-SENSITIVE ALERTS

Tsunami Warning	ALLARME TSUNAMI. Una serie di onde alte e forti correnti possono colpire le coste vicino alla tua zona. Chi vive in questa zona si trova in pericolo. Allontanarsi dalla costa. Spostarsi in questo momento su un'altura o nell'entroterra. Tenersi lontani dalla costa finché le autorità locali non avranno dichiarato che è sicuro rientrare in zona.
Earthquake Warning	RILEVATO TERREMOTO! Allungarsi sul pavimento, coprirsi e restare sul posto. Tenersi al sicuro.
Boil Water Advisory	AVVISO DI BOLLITURA DELL'ACQUA emesso per la tua zona. L'acqua nella tua comunità potrebbe causare problemi di salute. Se disponibile, utilizzare acqua in bottiglia. Non bere, cucinare, lavarsi i denti o fare pulizie con acqua del rubinetto o filtrata finché non sia stata bollita. Portare l'acqua ad ebollizione completa per TRE MINUTI. Lasciare raffreddare l'acqua prima dell'uso. Non utilizzare ghiaccio prodotto con acqua non bollita. Chi fa uso di latte artificiale per nutrire neonati deve utilizzare latte artificiale pronto all'uso. Assicurarsi che gli animali domestici non bevano acqua che non sia stata bollita. Tenersi sempre aggiornati sui mezzi di comunicazione locali.
911 Outage Alert	AVVISO DI INTERRUZIONE del servizio 911 in quest'area. In caso di emergenza, contattare la Polizia, i Vigili del Fuoco, i servizi medici o altri servizi di emergenza direttamente ai numeri di telefono locali. Il 911 potrebbe non essere disponibile in caso di emergenza.
Avalanche Warning	ALLARME VALANGE in questa zona. La neve instabile potrebbe mettersi rapidamente in movimento, causando lesioni o morte, bloccando strade e danneggiando proprietà nelle aree colpite. ALLONTANARSI da questa zona. NON ritornare nell'area finché non siano i funzionari locali ad emettere il permesso di rientro. Si sconsiglia di transitare su terreni soggetti a valanghe. Le valanghe possono attraversare anche lunghe distanze.
Fire Warning	AVVISO INCENDIO in questa zona. Abbandonare immediatamente l'area con la propria famiglia ed eventuali animali domestici, non attardarsi. La visibilità nell'area sarà ridotta e le strade potrebbero essere bloccate. Chi si attarda ad evacuare potrebbe restare intrappolato, ferito o perire. Aspettarsi di incontrare visibilità ridotta, fumo pesante e difficoltà respiratorie. Fare attenzione durante la guida. Prestare attenzione al personale di pubblica sicurezza che opera nella zona e seguire le loro istruzioni.
Hazardous Materials Warning.	Si è verificata una fuoriuscita di MATERIALI PERICOLOSI nella tua zona. L'esposizione può causare difficoltà di respirazione, perdita di coordinazione, sensazione di bruciore agli occhi, al naso, alla gola o ai polmoni, nausea e possibilmente il decesso. ALLONTANARSI da questa zona. CHI SI METTE ALLA GUIDA per evacuare l'area deve tenere chiusi i finestrini e le prese d'aria dell'auto. NON ritornare nell'area finché non siano i funzionari locali ad emettere il permesso di rientro.
Evacuation Immediate	EVACUARE IMMEDIATAMENTE. Ordine di evacuazione emesso nella tua zona. Abbandonare immediatamente l'area con la propria famiglia ed eventuali animali domestici, non attardarsi. Prestare attenzione al personale di pubblica sicurezza che opera nella zona e seguire le loro istruzioni.

Alert type	Alert template
Shelter in Place Warning ...	AVVISO DI TENERSI AL CHIUSO emesso nella tua zona. Pericolo nella tua zona. Spostarsi in una stanza cieca, chiudere porte e finestre e restare sul posto. Tenersi sempre aggiornati sui mezzi di comunicazione locali. Prestare attenzione e agire con cautela.

FORM-FILLABLE ALERT TEMPLATES

Alert type	Alert template

MOST COMMONLY ISSUED ALERTS

Tornado Warning	[SENDING AGENCY]: EMERGENZA TORNADO in [LOCATION] fino alle [TIME]. Tornado avvistato in zona. Questo evento rappresenta un pericolo per la vita. Si esortano gli utenti a mettersi al riparo in un seminterrato o in una stanza cieca al piano più basso di un edificio resistente. Chi si trova all'aperto, in una casa mobile o in un veicolo, deve mettersi al riparo in una struttura adeguata più vicina e proteggersi dai detriti volanti. Tenersi sempre aggiornati sui mezzi di comunicazione. [URL]
Flash Flood Warning	[SENDING AGENCY]: EMERGENZA ALLUVIONE IMMEDIATA in vigore per [LOCATION] fino alle [TIME]. Si tratta di una situazione estremamente pericolosa, anche per la vita. Si esortano gli utenti a non mettersi in viaggio a meno che non ci si stia allontanando da un'area soggetta ad inondazioni o ad un ordine di evacuazione. [URL]
Severe Thunderstorm Warning.	[SENDING AGENCY]: AVVISO DI FORTI TEMPORALI in vigore per [LOCATION] fino alle [TIME] caratterizzati da VIOLENTE raffiche di vento che potrebbero raggiungere quasi 130 chilometri (80 miglia) all'ora. Ripararsi in un edificio resistente e lontano dalle finestre. I detriti volanti potrebbero causare danni letali a coloro che si trovano all'aperto. [URL]
Snow Squall Warning	[SENDING AGENCY]: Allarme tempesta di neve per [LOCATION] fino alle [TIME]. Si esortano gli utenti che si trovano in viaggio di rallentare o di posticipare il viaggio! Gli utenti devono tenersi pronti a possibili perdite improvvise di visibilità, anche pressoché totale, e alla presenza di ghiaccio sul manto stradale in caso di forti nevicate. [URL]
Dust Storm Warning	[SENDING AGENCY]: AVVISO DI TEMPESTA DI SABBIA per [LOCATION] fino alle [TIME]. Tenersi pronti ad un improvviso calo di visibilità fino a zero. Si esortano i guidatori di accostarsi per tenersi in sicurezza! Quando la visibilità diminuisce, accostarsi e parcheggiare il proprio veicolo. Spegnerne le luci e tenere il piede lontano dal pedale del freno. Neonati, anziani e persone con patologie respiratorie sono invitati a prendere precauzioni. [URL]
Hurricane Warning	[SENDING AGENCY]: È in vigore un'ALLARME URAGANO per [LOCATION] con venti pericolosi e dannosi fino alle [TIME]. Il presente avviso viene emesso fino a 36 ore prima che si verifichino condizioni pericolose. Si esortano gli utenti ad affrettarsi a fare i dovuti preparativi per proteggere la vita e le proprietà. Avere a disposizione cibo, acqua, contanti, carburante e farmaci per più di 3 giorni. SEGUIRE LE ISTRUZIONI FORNITE DAI FUNZIONARI LOCALI. [URL]
Storm Surge Warning	[SENDING AGENCY]: È in vigore un'AVVISO DI MAREGGIATA per [LOCATION] con pericolo di inondazioni potenzialmente letali fino alle [TIME]. Il presente avviso viene emesso fino a 36 ore prima che si verifichino condizioni pericolose. Si esortano gli utenti ad affrettarsi a fare i dovuti preparativi per proteggere la vita e le proprietà. Seguire gli ordini di evacuazione applicabili a quest'area, per evitare di annegare o di non poter fare uso dei servizi di emergenza. [URL]
Extreme Wind Warning	[SENDING AGENCY]: È in vigore un' AVVISO DI VENTO ESTREMO per [LOCATION] con pericolo immediato di raffiche di vento potenzialmente letali fino alle [TIME]. Mettersi al riparo in QUESTO MOMENTO in una stanza cieca di un edificio resistente e lontano dalle finestre. Proteggersi da eventuali detriti volanti. NON recarsi all'aperto durante periodi di calma nel corso dell'uragano! Raffiche di vento si verificano all'improvviso anche dopo periodi di calma. [URL]
Test Alert	QUESTO È UN TEST condotto dal Sistema nazionale di allarme di emergenza wireless emesso da [SENDING AGENCY]. Lo scopo è quello di mantenere e migliorare le capacità di allerta e di allarme a livello federale, statale, locale, tribale e territoriale, e di valutare le capacità di allerta e di allarme pubblico della nazione. Non è richiesta alcuna azione da parte del pubblico. [URL]

MOST TIME-SENSITIVE ALERTS

Tsunami Warning	[SENDING AGENCY]: Un ALLARME TSUNAMI per [LOCATION] è in vigore fino alle [TIME]. Una serie di onde alte e forti correnti possono colpire le coste vicino alla tua zona. Chi vive in questa zona si trova in pericolo. Allontanarsi dalla costa. Spostarsi in questo momento su un'altura o nell'entroterra. Tenersi lontani dalla costa finché le autorità locali non avranno dichiarato che è sicuro rientrare in zona. [URL]
Earthquake Warning	RILEVATO TERREMOTO! Allungarsi sul pavimento, coprirsì e restare sul posto. Tenersi al sicuro. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: Un AVVISO DI BOLLITURA DELL'ACQUA è stato emesso per [LOCATION] fino alle [TIME]. L'acqua nella tua comunità potrebbe causare problemi di salute. Se disponibile, utilizzare acqua in bottiglia. Non bere, cucinare, lavarsi i denti o fare pulizie con acqua del rubinetto o filtrata finché non sia stata bollita. Portare l'acqua ad ebollizione completa per TRE MINUTI. Lasciare raffreddare l'acqua prima dell'uso. Non utilizzare ghiaccio prodotto con acqua non bollita. Chi fa uso di latte artificiale per nutrire neonati deve utilizzare latte artificiale pronto all'uso. Assicurarsi che gli animali domestici non bevano acqua che non sia stata bollita. [URL]
911 Outage Alert	[SENDING AGENCY]: AVVISO DI INTERRUZIONE del servizio 911 in [LOCATION] fino alle [TIME]. In caso di emergenza, contattare la Polizia, i Vigili del Fuoco, i servizi medici o altri servizi di emergenza direttamente ai numeri di telefono locali. Il 911 potrebbe non essere disponibile in caso di emergenza. [URL]

Alert type	Alert template
Avalanche Warning	[SENDING AGENCY]: L'ALLARME VALANGHE per [LOCATION] è in vigore fino alle [TIME]. La neve instabile potrebbe mettersi rapidamente in movimento, causando lesioni o morte, bloccando strade e danneggiando proprietà nelle aree colpite. ALLONTANARSI dalle aree vicino a [LOCATION]. NON ritornare nell'area finché non siano i funzionari locali ad emettere il permesso di rientro. Si sconsiglia di transitare su terreni soggetti a valanghe. Le valanghe possono attraversare anche lunghe distanze. [URL]
Fire Warning	[SENDING AGENCY] L'AVVISO DI INCENDIO in/a [LOCATION] è in vigore fino alle [TIME]. Abbandonare immediatamente l'area con la propria famiglia ed eventuali animali domestici, non attardarsi. La visibilità nell'area sarà ridotta e le strade potrebbero essere bloccate. Chi si attarda ad evacuare potrebbe restare intrappolato, ferito o perire. ALLONTANARSI dalle aree vicino a [LOCATION]. Aspettarsi di incontrare visibilità ridotta, fumo pesante e difficoltà respiratorie. Fare attenzione durante la guida. Prestare attenzione al personale di pubblica sicurezza che opera nella zona e seguire le loro istruzioni. [URL]
Hazardous Materials Warning.	[SENDING AGENCY]: Si è verificata una fuoriuscita di MATERIALI PERICOLOSI alle [TIME] a/presso [LOCATION]. L'esposizione può causare difficoltà di respirazione, perdita di coordinazione, sensazione di bruciore agli occhi, al naso, alla gola o ai polmoni, nausea e possibilmente il decesso. ALLONTANARSI dalle aree vicino a [LOCATION]. CHI SI METTE ALLA GUIDA per evacuare l'area deve tenere chiusi i finestrini e le prese d'aria dell'auto. NON ritornare nell'area finché non siano i funzionari locali ad emettere il permesso di rientro. [URL]
Evacuation Immediate	[SENDING AGENCY] ha emesso un ordine di evacuazione per [LOCATION] in vigore fino alle [TIME]. Abbandonare immediatamente l'area con la propria famiglia ed eventuali animali domestici, non attardarsi. Prestare attenzione al personale di pubblica sicurezza che opera nella zona e seguire le loro istruzioni. [URL]
Shelter in Place Warning ...	[SENDING AGENCY] ha emesso un avviso di tenersi al chiuso per [LOCATION], che è in vigore fino alle [TIME]. Pericolo nella tua zona. Spostarsi in una stanza cieca, chiudere porte e finestre e restare sul posto. Prestare attenzione e agire con cautela. [URL]

BILLING CODE 6712-01-P

KOREAN TRANSLATION

STATIC ALERT TEMPLATES

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	토네이도 비상. 이 지역에 토네이도가 발생하였습니다. 이는 생명을 위협하는 상황입니다. 지금 당장 지하실이나 튼튼한 건물의 가장 낮은 층의 실내로 대피하십시오. 실외, 이동식 주택, 또는 차 안에 있는 경우, 가장 가까운 대피소로 이동하여 날아다니는 파편으로부터 자신을 보호하십시오. 미디어 뉴스를 확인합니다.
Flash Flood Warning	이 지역에 돌발 홍수 비상사태가 발효 중입니다. 이는 매우 위험하고 생명을 위협하는 상황입니다. 홍수 지역 또는 대피 명령 지역을 벗어나려는 경우를 제외하고는 이동하려고 시도하지 마십시오.
Severe Thunderstorm Warning	이 지역에 시속 80마일의 파괴력이 막강한 강풍으로 인해 심각한 뇌우 경보가 발효 중입니다. 튼튼한 건물 안에서 창문에서 멀리

	떨어진 곳으로 피하십시오. 대피하지 않았다가, 날아다니는 파편에 맞으면 치명적일 수 있습니다.
Snow Squall Warning	이 지역에 대설 주의보가 발효 중입니다. 차량 속도를 줄이거나 이동을 미루십시오! 폭설로 인해 시야가 갑자기 0에 가깝게 떨어지거나 빙판길이 생길 수 있으니 대비하십시오.
Dust Storm Warning	이 지역에 먼지 폭풍 경보가 발령되었습니다. 갑자기 시야가 0으로 떨어질 수도 있으니 대비하십시오. 차를 갓길로 옮기고 안전하게 머무십시오! 시야가 나빠지면 도로에서 멀리 떨어진 곳에 차를 세워 주차하십시오. 라이트를 끄고 브레이크에서 발을 떼십시오. 유아, 노약자, 호흡기 질환이 있는 분은 예방 조치를 취할 것을 당부합니다.
Hurricane Warning	이 지역에 아주 위험하며 피해가 예상되는 강풍으로 인해 허리케인 경보가 발효 중입니다. 이 경보는 위험 상황이 시작되기 최대 36시간 전에 발령됩니다. 생명과 재산을 보호하기 위한 긴급 조치를

	하십시오. 3일 이상 이용할 음식, 물, 현금, 연료 및 의약품을 준비하십시오. 지역 공무원의 지시를 따릅니다.
Storm Surge Warning	이 지역에 생명을 위협하는 홍수 위험으로 폭풍 해일 경보가 발효 중입니다. 이 경보는 위험 상황이 시작되기 최대 36시간 전에 발령됩니다. 생명과 재산을 보호하기 위한 긴급 조치를 하십시오. 이 지역에 대피 명령이 내려지면 익사를 피하고 응급 서비스가 끊기지 않도록 대피 명령을 따릅니다.
Extreme Wind Warning	이 지역에 생명을 위협하는 즉각적이며 강력한 바람 위험으로 인한 경보가 발효 중입니다. 지금 튼튼한 건물 안의 창문에서 멀리 떨어진 실내로 대피하십시오. 날아오는 파편으로부터 머리를 보호하십시오. 허리케인의 눈이 고요할 때도 외출을 삼가하십시오! 바람이 금방 다시 위험해질 수 있습니다.
Test Alert	이 경보는 전국 무선 비상경보 시스템을 테스트하기 위한 것입니다. 이 테스트의 목적은 연방, 주, 지방, 부족 및 자치 지역 단계에서 경보

	및 경고 기능을 유지 및 개선하고 국가의 공공 경보 및 경고 기능을 평가하기 위한 것입니다. 일반 대중의 행동은 필요치 않습니다.
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	쓰나미 경보. 일련의 강력한 파도와 함께 강한 해류가 가까운 해안에 영향을 미칠 수 있습니다. 아주 위험합니다. 해안가에서 멀리 떨어져 계십시오. 지금 당장 고지대나 내륙으로 이동합니다. 지역 공무원이 복귀해도 안전하다고 할 때까지 해안에서 멀리 떨어져 계십시오.
Earthquake Warning	지진 감지! 엎드립니다, 머리를 보호합니다, 신체를 지지합니다. 자신을 보호하십시오.
Boil Water Advisory	인근 지역에 물 끓이기 주의보가 발령되었습니다. 지역사회에 있는 물을 통해 질병에 걸릴 수 있습니다. 가능하면 생수를 드십시오. 끓이지 않은 물은 정수했더라도 마시거나, 요리, 양치질, 집 안 청소에 사용하지 마십시오. 물은 3분 동안 완전히 끓입니다. 사용하기 전에 물을 식히십시오. 끓이지 않은 물로 만든 얼음은

	이용하지 마십시오. 아이에게 분유를 먹이는 경우, 미리 만들어진 분유를 사용합니다. 반려동물이 끓이지 않은 물을 먹지 않도록 주의합니다. 지역 언론의 뉴스를 확인하십시오.
911 Outage Alert	이 지역에 911 비상경보가 발효 중입니다. 긴급 상황 발생 시, 해당 지역 전화로 경찰서, 소방서, 의료, 또는 기타 응급 서비스 기관에 직접 연락하십시오. 911에 전화해도 도움을 받지 못할 수도 있습니다.
Avalanche Warning	이 지역에 눈사태 경보가 발효 중입니다. 불안정하고 빠르게 이동하는 눈은 빠르게 불어나서 부상이나 사망을 초래할 수 있으며, 영향을 받는 지역의 도로를 막고 재산에 피해를 줄 수도 있습니다. 이 지역을 떠나십시오. 대피 후에는 현지 공무원의 지시가 있을 때까지 해당 지역으로 돌아가지 마십시오. 눈사태가 발생 지역의 여행은 권장하지 않습니다. 눈사태는 먼 거리에 걸쳐 발생할 수 있습니다.

Fire Warning	이 지역에 화재 경보가 발효 중입니다. 지체하지 말고 가족과 반려동물을 지금 대피시키십시오. 해당 지역의 가시거리가 줄고 도로가 차단될 수 있습니다. 지금 대피하지 않으면 고립되거나, 상처를 입거나, 사망할 수도 있습니다. 시야가 좁아지고, 연기가 심하며, 호흡 곤란을 겪을 수 있습니다. 운전하는 동안 주의하십시오. 해당 지역에서 활동하는 공공 안전 요원을 주시하고 그들의 지시를 따릅니다.
Hazardous Materials Warning	이 지역에 유해 물질이 방출되었습니다. 이에 노출되면 호흡 곤란, 대응 능력 상실, 눈, 코, 목, 폐의 작열감, 메스꺼움, 또는 사망에도 이를 수 있습니다. 이 지역을 떠나십시오. 운전하여 대피 지역으로 이동하는 경우, 차량의 창문과 통풍구를 닫으십시오. 대피 후, 지역 공무원의 지시가 있을 때까지 해당 지역으로 돌아가지 마십시오.
Evacuation Immediate	즉시 대피하십시오. 귀하 지역에 대피령이 발령되었습니다. 지체하지 말고 가족과 반려동물을 지금 대피시키십시오. 해당

	지역에서 활동하는 공공 안전 요원을 주시하고 그들의 지시를 따르십시오.
Shelter in Place Warning	인근 지역에 실내 대피 경보가 발령되었습니다. 해당 지역이 위험합니다. 실내로 들어가서 문과 창문을 닫고 그 안에 머물러 계십시오. 지역 미디어 뉴스를 확인합니다. 경각심을 갖고 조심하십시오.

FORM-FILLABLE ALERT TEMPLATES

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 토네이도 비상경보. 이 지역에 토네이도가 발생하였습니다. 이는 생명을 위협하는 상황입니다. 지하실이나 튼튼한 건물의 가장 낮은 층에 있는 실내로 대피하십시오. 실외, 이동식 주택, 또는 차 안에 있는 경우, 가장 가까운 안전한 대피소로 이동하여 날아다니는

	파편으로부터 몸을 보호하십시오. 지역 미디어 뉴스를 확인하십시오. [URL]
Flash Flood Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 홍수 비상사태가 발생 중입니다. 이는 매우 위험하고 생명을 위협하는 상황입니다. 홍수 지역 또는 대피 명령 지역을 벗어나려는 경우를 제외하고는 이동하려고 시도하지 마십시오. [URL]
Severe Thunderstorm Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 시속 80마일의 파괴력이 막강한 바람으로 인해 심한 뇌우 주의보가 발효 중입니다. 창문에서 멀리 떨어진 튼튼한 건물의 실내로 몸을 피하십시오. 날아다니는 파편은 이동 중인 사람에게 치명적일 수 있습니다. [URL]
Snow Squall Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 폭설 경보가 발효 중입니다. 운전 속도를 늦추거나 이동을 미루십시오. 갑작스럽게 시야가 0에 가까울 정도로 나빠지거나 폭설로 인한 빙판길이 생길 수 있으니 주의하십시오. [URL]

Dust Storm Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 먼지 폭풍 경보가 발효 중입니다. 갑작스럽게 시야가 0에 가까울 정도로 나빠질 수 있으니 이에 대비하십시오. 살아남으셔야 합니다! 시야가 어두워지면 도로에서 멀리 떨어진 곳에 차를 세워 주차하십시오. 조명을 끄고 브레이크에서 발을 떼십시오. 유아, 노약자 및 호흡기 질환이 있는 분은 예방 조치를 취할 것을 권고합니다. [URL]
Hurricane Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지, 위험하며 생명을 위협하는 바람으로 인해 허리케인 경보가 발효 중입니다. 이 경보는 위험 상황이 시작되기 최대 36시간 전에 발령됩니다. 생명과 재산 보호를 위한 긴급 조치를 하십시오. 3일 이상 이용할 수 있는 음식, 물, 현금, 연료, 의약품을 준비합니다. 지역 공무원의 지시를 따릅니다. [URL]
Storm Surge Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 생명을 위협하는 홍수 위험으로 인해 폭풍 경보가 발효 중입니다. 이 경보는 위험 상황이 시작되기 최대 36시간 전에 발령됩니다. 생명과 재산을

	보호하기 위한 긴급 조치를 하십시오. 이 지역에 대피령이 내려지면 익사나 응급 서비스 차단 방지를 위해서 대피 명령을 따릅니다. [URL]
Extreme Wind Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 생명을 위협하는 즉각적인 강풍의 위험으로 인해 강풍 경보가 발효 중입니다. 지금 바로 창문에서 멀리 떨어진 튼튼한 건물의 실내로 대피하십시오. 날아다니는 파편으로부터 머리를 보호하십시오. 허리케인의 눈이 고요할 때도 외출하지 마십시오! 바람이 다시 위험해질 수 있습니다. [URL]
Test Alert	이 경보는 [SENDING AGENCY]에서 발송하는 전국 무선 비상경보 시스템의 테스트입니다. 이 테스트의 목적은 연방, 주, 지방, 부족 및 자치 지역 단계에서 경보 및 경고 기능을 유지 및 개선하고 국가의 공공 경보 및 경고 기능을 평가하기 위한 것입니다. 일반 대중의 행동은 필요치 않습니다. [URL]
MOST TIME-SENSITIVE ALERTS	

Tsunami Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 쓰나미 경보가 발효 중입니다. 일련의 강력한 파도와 강한 해류가 가까운 해안에 영향을 미칠 수 있습니다. 아주 위험합니다. 해안가에서 벗어나십시오. 지금 당장 고지대나 내륙으로 이동하십시오. 지역 당국이 귀환해도 안전하다고 발표할 때까지 해안가에 접근하지 마십시오. [URL]
Earthquake Warning	지진 감지! 엎드립니다, 머리를 보호합니다, 신체를 지지합니다. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 물 끓이기 주의보가 발령되었습니다. 지역사회에 있는 물을 통해 질병에 걸릴 수 있습니다. 가능하면 생수를 드십시오. 끓이지 않은 물은 정수했더라도 마시거나, 요리, 양치질, 집 안 청소에 사용하지 마십시오. 물은 3분 동안 완전히 끓입니다. 사용하기 전에 물을 식히십시오. 끓이지 않은 물로 만든 얼음은 이용하지 마십시오.

	아이에게 분유를 먹이는 경우, 미리 만들어진 분유를 사용합니다. 반려동물이 끓이지 않은 물을 마시지 않도록 주의하십시오. [URL]
911 Outage Alert	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 911 비상경보가 발효 중입니다. 긴급 상황 발생 시 해당 지역 전화로 경찰서, 소방서, 의료 또는 기타 응급 서비스 기관에 직접 연락하십시오. 911에 전화해도 도움을 받지 못할 수도 있습니다. [URL]
Avalanche Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 눈사태 경보가 발효 중입니다. 불안정하고 빠르게 이동하는 눈은 빠르게 불어나서 부상이나 사망을 초래할 수 있으며, 영향을 받는 지역의 도로를 막고 재산에 피해를 줄 수 있습니다. [LOCATION]에서 대피하십시오. 대피 후에는 현지 공무원의 지시가 있을 때까지 해당 지역으로 돌아가지 마십시오. 눈사태가 발생한 지역의 여행은 권장하지 않습니다. 눈사태는 먼 거리에 발생할 수 있습니다. [URL]
Fire Warning	[SENDING AGENCY]: [LOCATION]에 [TIME]까지 화재 경보가 발효 중입니다. 지체하지 말고 가족과 반려동물을 지금

	대피시키십시오. 해당 지역의 가시거리가 줄어들고 도로가 차단될 수 있습니다. 지금 대피하지 않으면 고립되거나 상처를 입거나 사망할 수도 있습니다. [LOCATION]에서 대피하십시오. 시야가 좁아지고, 연기가 심하며, 호흡 곤란을 겪을 수 있습니다. 운전 시 주의하십시오. 해당 지역에서 활동하는 공공 안전 요원을 주시하고 그들의 지시를 따릅니다. [URL]
Hazardous Materials Warning	[SENDING AGENCY]: [TIME]에 [LOCATION]에 유해 물질이 방출되었습니다. 이에 노출되면 호흡 곤란, 대응 능력 상실, 눈, 코, 목, 폐의 작열감, 메스꺼움, 또는 사망에도 이를 수 있습니다. [LOCATION]에서 대피하십시오. 운전하여 대피 지역으로 대피하는 경우, 차량의 창문과 통풍구를 닫으십시오. 대피 후, 지역 공무원의 지시가 있을 때까지 해당 지역으로 돌아가지 마십시오. [URL]
Evacuation Immediate	[SENDING AGENCY]에서 [TIME]까지 [LOCATION]에 대한 즉시 대피 명령을 발령했습니다. 지체하지 말고 가족과 반려동물을 지금

	대피시키십시오. 해당 지역에서 활동하는 공공 안전 요원을 주시하고 그들의 지시를 따릅니다. [URL]
Shelter in Place Warning	[SENDING AGENCY]에서 [TIME]까지 [LOCATION]에 대한 즉시 대피 명령을 발령했습니다. 해당 지역이 위험합니다. 실내로 들어가서 문과 창문을 닫고 그 안에 머물러 계십시오. 경각심을 갖고 조심합니다. [URL]

BILLING CODE 6712-01-C

**PORTUGUESE (BRAZILIAN)
TRANSLATION
STATIC ALERT TEMPLATES**

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	EMERGÊNCIA DE TORNADO. Um tornado foi avistado nesta região. Sua vida está em perigo. Procure imediatamente abrigo em um porão ou dentro de um cômodo no andar mais baixo de um prédio seguro. Se você estiver ao ar livre, em uma casa móvel ou em um veículo, dirija-se ao prédio seguro mais próximo e proteja-se de detritos voadores. Acompanhe a cobertura da mídia.
Flash Flood Warning	Um ALERTA DE EMERGÊNCIA DE INUNDAÇÕES REPENTINAS está em vigor para esta região. Esta é uma situação extremamente perigosa e de risco de vida. Não tente viajar, a menos que esteja deixando uma área sujeita a inundações ou sob uma ordem de evacuação.
Severe Thunderstorm Warning.	Um AVISO DE TEMPESTADE SEVERA está em vigor para esta região com ventos DESTRUTIVOS de 80 milhas por hora. Procure abrigo em um prédio seguro e longe de janelas. Os detritos voadores podem ser fatais para aqueles sem abrigo.
Snow Squall Warning	Um ALERTA DE TEMPESTADE DE NEVE está em vigor para esta região. Diminua a velocidade ou adie a sua viagem! Prepare-se para uma queda repentina de visibilidade e gelo nas estradas em caso de neve intensa.
Dust Storm Warning	Um AVISO DE TEMPESTADE DE POEIRA está em vigor para esta região. Esteja preparado para uma queda repentina na visibilidade. Pare no acostamento, fique vivo! Quando a visibilidade diminuir, pare seu veículo fora da estrada. Apague as luzes e tire o pé do freio. Crianças, idosos e pessoas com problemas respiratórios devem tomar precauções.
Hurricane Warning	Um AVISO DE FURACÃO está em vigor para esta região devido aos ventos perigosos. Este aviso é emitido até 36 horas antes do início das condições perigosas. Complete seus preparativos para proteger a vida e a propriedade com urgência. Tenha comida, água, dinheiro, combustível e medicamentos para 3 dias ou mais. SIGA AS INSTRUÇÕES DAS AUTORIDADES LOCAIS.
Storm Surge Warning	Um ALERTA DE MARÉ DE TEMPESTADE (RESSACA) está em vigor para esta região para o perigo de inundações potencialmente fatais. Este alerta é emitido até 36 horas antes do início das condições perigosas. Complete seus preparativos para proteger a vida e a propriedade com urgência. Siga as ordens de evacuação se forem emitidas para esta região para evitar afogamentos ou ficar sem acesso aos serviços de emergência.
Extreme Wind Warning	Um ALERTA DE VENTOS EXTREMOS está em vigor nesta região para perigo imediato de ventos potencialmente fatais. Proteja-se AGORA em um cômodo interno de um prédio seguro e longe das janelas. Proteja sua cabeça de detritos voadores. NÃO saia do abrigo durante a calmaria do olho do furacão! Os ventos rapidamente se tornarão perigosos novamente.
Test Alert	ESTE É UM TESTE do Sistema Nacional de Alertas de Emergência Sem Fio. O objetivo é manter e melhorar as capacidades de aviso e alerta a nível federal, estadual, local, tribal e territorial e avaliar as capacidades públicas de aviso e alerta do país. Não é necessária qualquer ação por parte do público.
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	ALERTA DE MAREMOTO. Uma série de ondas poderosas e correntes fortes podem atingir o litoral perto de você. Você está em perigo. Afaste-se das águas costeiras. Vá imediatamente para um local elevado ou para o interior. Mantenha-se longe do litoral até as autoridades locais informarem que é seguro voltar.
Earthquake Warning	TERREMOTO DETECTADO! Abaixar-se, proteja-se e aguarde.
Boil Water Advisory	Um ALERTA PARA A FERVURA DE ÁGUA está em vigor para a sua região. A água na sua região pode deixá-lo doente. Use água engarrafada, se disponível. Não beba, cozinhe, escove os dentes ou limpe a casa com água da torneira ou filtrada até ferver. Deixe a água ferver por TRÊS MINUTOS. Deixe a água esfriar antes de usar. Não use gelo feito com água que não tenha sido fervida. Se você usa fórmula para alimentar seu filho, use fórmula pronta para consumo. Certifique-se de que os animais de estimação não bebam água que não tenha sido fervida. Acompanhe a cobertura da mídia local.
911 Outage Alert	ALERTA DE INTERRUPÇÃO DO SERVIÇO 911 nesta região. Em caso de emergência, entre em contato com a polícia, bombeiros, médicos ou outros serviços de emergência diretamente por meio dos seus números de telefone locais. É possível você não conseguir ajuda ao discar 911.
Avalanche Warning	ALERTA DE AVALANCHE nesta região. Neve instável e em movimento rápido pode ocorrer rapidamente, causando ferimentos ou morte e pode bloquear estradas e danificar propriedades nas áreas afetadas. SAIA desta área. NÃO retorne à área após a evacuação até receber instruções das autoridades locais. Não é recomendado viajar em terrenos propensos a avalanche. As avalanches podem percorrer longas distâncias.
Fire Warning	AVISO DE INCÊNDIO nesta região. Evacue sua família e animais de estimação agora, não demore. A visibilidade na região estará prejudicada e as estradas podem ficar bloqueadas. Se você não sair agora, você pode ficar preso, ferido ou morto. Espere por visibilidade reduzida, fumaça pesada e dificuldade para respirar. Tenha cuidado ao dirigir. Fique atento ao pessoal de segurança pública que atua na região e siga as suas instruções.
Hazardous Materials Warning.	Houve vazamento de SUBSTÂNCIAS PERIGOSAS em sua região. A exposição pode causar dificuldade para respirar, perda de coordenação, sensação de queimação nos olhos, nariz, garganta ou pulmões, náuseas e, possivelmente, morte. SAIA desta área. Se estiver CONDUZINDO UM VEÍCULO para evacuar área, mantenha os vidros e saídas de ar do carro fechados. NÃO retorne à área após a evacuação até receber instruções das autoridades locais.
Evacuation Immediate	EVACUAR IMEDIATAMENTE. Uma Ordem de Evacuação foi emitida para sua região. Evacue sua família e animais de estimação agora, não demore. Fique atento ao pessoal de segurança pública que atua na região e siga as suas instruções.
Shelter in Place Warning ...	Um ALERTA DE ABRIGUE-SE NO LOCAL foi emitida para sua região. Existe perigo na sua região. Entre em uma sala interna, feche as portas e janelas e fique onde está. Acompanhe a cobertura da mídia local. Fique alerta e tenha cuidado.

FORM-FILLABLE ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: EMERGÊNCIA DE TORNADO em [LOCATION] até [TIME]. Tornado avistado nesta região. Esta é uma situação de risco de vida. Procure imediatamente abrigo em um porão ou em um cômodo no interior do andar mais baixo de um edifício seguro. Se você estiver ao ar livre, em uma casa móvel ou em um veículo, dirija-se para o abrigo seguro mais próximo e proteja-se de detritos voadores. Acompanhe a cobertura da mídia local. [URL]
Flash Flood Warning	[SENDING AGENCY]: Um ALERTA DE EMERGÊNCIA DE INUNDAÇÕES REPENTINAS está em vigor para [LOCATION] até [TIME]. Esta é uma situação extremamente perigosa e de risco de vida. Não tente viajar, a menos que esteja deixando uma área sujeita a inundações ou sob uma ordem de evacuação. [URL]
Severe Thunderstorm Warning.	[SENDING AGENCY]: AVISO DE TEMPESTADE SEVERA em vigor para [LOCATION] até [TIME] para ventos DESTRUTIVOS de 80 milhas por hora. Procure abrigo em um prédio seguro, longe das janelas. Os detritos voadores podem ser fatais para aqueles sem abrigo. [URL]
Snow Squall Warning	[SENDING AGENCY]: Alerta de tempestade de neve para [LOCATION] até [TIME]. Diminua a velocidade ou adie a sua viagem! Prepare-se para uma queda repentina de visibilidade e gelo nas estradas em caso de neve intensa. [URL]
Dust Storm Warning	[SENDING AGENCY]: AVISO DE TEMPESTADE DE POEIRA para [LOCATION] até [TIME]. Esteja preparado para uma queda repentina na visibilidade. Pare no acostamento, fique vivo! Quando a visibilidade diminuir, pare seu veículo fora da estrada. Apague as luzes e tire o pé do freio. Crianças, idosos e pessoas com problemas respiratórios devem tomar precauções. [URL]
Hurricane Warning	[SENDING AGENCY]: Um AVISO DE FURACAO está em vigor para [LOCATION] devido a ventos perigosos até [TIME]. Este aviso é emitido até 36 horas antes do início das condições perigosas. Complete seus preparativos para proteger a vida e a propriedade com urgência. Tenha comida, água, dinheiro, combustível e medicamentos para 3 dias ou mais. SIGA AS INSTRUÇÕES DAS AUTORIDADES LOCAIS. [URL]
Storm Surge Warning	[SENDING AGENCY]: Um ALERTA DE MARÉ DE TEMPESTADE (RESSACA) está em vigor para [LOCATION] para o perigo de inundações potencialmente fatais até [TIME]. Este alerta é emitido até 36 horas antes do início das condições perigosas. Complete seus preparativos para proteger a vida e a propriedade com urgência. Siga as ordens de evacuação se forem emitidas para esta região para evitar afogamentos ou ficar sem acesso aos serviços de emergência. [URL]
Extreme Wind Warning	[SENDING AGENCY]: Um AVISO DE VENTOS EXTREMOS está em vigor para [LOCATION] pelo perigo imediato de ventos potencialmente fatais até [TIME]. Proteja-se AGORA em um cômodo interno de um prédio seguro, longe das janelas. Proteja sua cabeça de detritos voadores. NÃO saia do abrigo durante a calmaria do olho do furacão! Os ventos rapidamente se tornarão perigosos novamente. [URL]
Test Alert	ESTE É UM TESTE do Sistema Nacional de Alertas de Emergência Sem Fio enviado por/pela [SENDING AGENCY]. O objetivo é manter e melhorar as capacidades de aviso e alerta a nível federal, estadual, local, tribal e territorial e avaliar as capacidades públicas de aviso e alerta do país. Não é necessária qualquer ação por parte do público. [URL]
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	[SENDING AGENCY]: Um ALERTA DE MAREMOTO para [LOCATION] está em vigor até [TIME]. Uma série de ondas poderosas e correntes fortes podem atingir o litoral perto de você. Você está em perigo. Afaste-se das águas costeiras. Vá imediatamente para um local elevado ou para o interior. Mantenha-se longe do litoral até as autoridades locais informarem que é seguro voltar. [URL]
Earthquake Warning	TERREMOTO DETECTADO! Abaixar-se, proteja-se e aguarde. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: Um ALERTA PARA A FERVURA DE ÁGUA está em vigor para [LOCATION] até [TIME]. A água na sua região pode deixá-lo doente. Use água engarrafada, se disponível. Não beba, cozinhe, escove os dentes ou limpe a casa com água da torneira ou filtrada até ferver. Deixe a água ferver por TRÊS MINUTOS. Deixe a água esfriar antes de usar. Não use gelo feito com água que não tenha sido fervida. Se você usa fórmula para alimentar seu filho, use fórmula pronta para consumo. Certifique-se de que os animais de estimação não bebam água que não tenha sido fervida. [URL]
911 Outage Alert	[SENDING AGENCY]: ALERTA DE INTERRUPÇÃO DO SERVIÇO 911 para [LOCATION] até [TIME]. Em caso de emergência, entre em contato com a polícia, bombeiros, médicos ou outros serviços de emergência diretamente por meio dos seus números de telefone locais. É possível você não conseguir ajuda ao discar 911. [URL]
Avalanche Warning	[SENDING AGENCY]: Um ALERTA DE AVALANCHE está em vigor para [LOCATION] até [TIME]. Neve instável e em movimento rápido pode ocorrer rapidamente, causando ferimentos ou morte e pode bloquear estradas e danificar propriedades nas áreas afetadas. SAIA desta área. NÃO retorne à área após a evacuação até receber instruções das autoridades locais. Não é recomendado viajar em terrenos propensos a avalanche. As avalanches podem percorrer longas distâncias. [URL]
Fire Warning	[SENDING AGENCY] Um AVISO DE INCÊNDIO está em vigor para [LOCATION] até [TIME]. Evacue sua família e animais de estimação agora, não demore. A visibilidade na região estará prejudicada e as estradas podem ficar bloqueadas. Se você não sair agora, você pode ficar preso, ferido ou morto. SAIA das áreas próximas de [LOCATION]. Espere por visibilidade reduzida, fumaça pesada e dificuldade para respirar. Tenha cuidado ao dirigir. Fique atento ao pessoal de segurança pública que atua na região e siga as suas instruções. [URL]
Hazardous Materials Warning.	[SENDING AGENCY]: Um vazamento de SUBSTÂNCIAS PERIGOSAS ocorreu às [TIME] em [LOCATION]. A exposição pode causar dificuldade para respirar, perda de coordenação, sensação de queimação nos olhos, nariz, garganta ou pulmões, náuseas e, possivelmente, morte. SAIA das regiões próximas de [LOCATION]. Se estiver CONDUZINDO UM VEÍCULO para evacuar a área, mantenha os vidros e saídas de ar do carro fechados. NÃO retorne à área após a evacuação até receber instruções das autoridades locais. [URL]
Evacuation Immediate	[SENDING AGENCY] emitiu uma ordem para evacuar a região de [LOCATION] em vigor até [TIME]. Evacue sua família e animais de estimação agora, não demore. Fique atento ao pessoal de segurança pública que atua na região e siga as suas instruções. [URL]

Alert type	Alert template
Shelter in Place Warning ...	[SENDING AGENCY] emitiu uma ordem para abrigar-se no local para [LOCATION] em vigor até [TIME]. Existe perigo na sua região. Entre em uma sala interna, feche as portas e janelas e fique onde está. Acompanhe a cobertura da mídia local. Fique alerta e tenha cuidado. [URL]

BILLING CODE 6712-01-P

RUSSIAN TRANSLATION**STATIC ALERT TEMPLATES**

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	ЧРЕЗВЫЧАЙНАЯ СИТУАЦИЯ: ТОРНАДО. В зоне, где вы находитесь, обнаружен торнадо. Это явление опасно для жизни. Укройтесь в подвале или внутреннем помещении на нижнем этаже устойчивого здания. Если вы на улице, в передвижном доме или в транспортном средстве, отправляйтесь в ближайшее надежное укрытие, чтобы защититься от летящих обломков. Следите за новостями.
Flash Flood Warning	В зоне, где вы находитесь, объявлено ЭКСТРЕННОЕ ПРЕДУПРЕЖДЕНИЕ о ВНЕЗАПНОМ НАВОДНЕНИИ. Это явление крайне опасно для жизни. Не совершайте поездок, если вы не эвакуируетесь из затопленного района самостоятельно или по приказу об эвакуации.
Severe Thunderstorm Warning	В зоне, где вы находитесь, объявлено ПРЕДУПРЕЖДЕНИЕ о СИЛЬНОЙ ГРОЗЕ с РАЗРУШИТЕЛЬНЫМИ порывами ветра скоростью 129 км/ч. Укройтесь в устойчивом здании и не подходите к окнам. Если вы не в укрытии, столкновение с летящими обломками может оказаться смертельным.

Snow Squall Warning	В зоне, где вы находитесь, объявлено ПРЕДУПРЕЖДЕНИЕ о ШКВАЛИСТОМ СНЕГЕ. По возможности отложите поездки. В противном случае снизьте скорость передвижения. Возможно резкое ухудшение видимости до нулевой, а также обледенение дорог из-за сильного снегопада.
Dust Storm Warning	В зоне, где вы находитесь, объявлено ПРЕДУПРЕЖДЕНИЕ о ПЫЛЕВОЙ БУРЕ. Возможно резкое ухудшение видимости до нулевой. Съезьте на обочину, чтобы остаться в живых! При ухудшении видимости съезьте на обочину дороги и припаркуйте транспортное средство. Выключите фары и уберите ногу с тормоза. Младенцам, пожилым людям и лицам, испытывающим трудности с дыханием, может потребоваться помощь.
Hurricane Warning	В зоне, где вы находитесь, объявлено ПРЕДУПРЕЖДЕНИЕ ОБ УРАГАНЕ с опасными и разрушительными порывами ветра. Это предупреждение разослано за 36 часов до начала чрезвычайной ситуации. Срочно примите меры по защите своей жизни и собственности. Подготовьте еду, питьевую воду, наличные деньги, топливо и медикаменты на срок более 3 дней. СЛЕДУЙТЕ ИНСТРУКЦИЯМ МЕСТНЫХ ВЛАСТЕЙ.
Storm Surge Warning	В зоне, где вы находитесь, объявлено ПРЕДУПРЕЖДЕНИЕ о ШТОРМОВОМ ПРИЛИВЕ и существует риск опасного для жизни подтопления. Это предупреждение разослано за 36 часов до начала чрезвычайной ситуации. Срочно примите меры по защите своей

	жизни и собственности. Если в вашем районе действует приказ об эвакуации, следуйте ему, чтобы не утонуть или не оказаться вне досягаемости экстренных служб.
Extreme Wind Warning	В зоне, где вы находитесь, объявлено ПРЕДУПРЕЖДЕНИЕ ОБ УРАГАННОМ ВЕТРЕ с опасными для жизни порывами. НЕМЕДЛЕННО укройтесь во внутреннем помещении устойчивого здания и оставайтесь вдали от окон. Защитите голову от летящих обломков. НЕ ВЫХОДИТЕ наружу, если находитесь в центре урагана! Опасные порывы ветра могут возобновиться в любой момент.
Test Alert	ЭТО ТЕСТОВОЕ ПРЕДУПРЕЖДЕНИЕ от Национальной беспроводной системы аварийного оповещения. Его цель — убедиться, что оповещения и предупреждения можно получить на уровне страны, штата, района, резервации и других территорий, улучшить систему рассылки предупреждений и оценить ее эффективность. От населения не требуется никаких действий.
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	ПРЕДУПРЕЖДЕНИЕ о ЦУНАМИ. Серия мощных волн и сильных течений может достичь побережья в зоне, где вы находитесь. Вы в опасности. Покиньте территорию рядом с побережьем и перейдите на возвышенности или отдаленные от воды зоны. Не приближайтесь

	к побережью до тех пор, пока местные власти не подтвердят, что это безопасно.
Earthquake Warning	ОБНАРУЖЕНО ЗЕМЛЕТРЯСЕНИЕ. Опуститесь на четвереньки, прикройте голову и держитесь за какую-либо устойчивую конструкцию. Защитите себя.
Boil Water Advisory	В зоне, где вы находитесь, необходимо ОБЯЗАТЕЛЬНО КИПЯТИТЬ ВОДУ. Вода в вашем районе может вызвать проблемы со здоровьем. По возможности используйте бутилированную воду. Не используйте воду из-под крана или фильтра для питья, готовки, чистки зубов или уборки до того, как прокипятите ее. Кипятите воду в течение ТРЕХ МИНУТ. Дайте воде остыть перед применением. Не используйте лед из некипяченой воды. Если вы кормите грудного ребенка смесью, используйте готовые смеси. Не давайте домашним животным пить некипяченую воду. Следите за местными новостями.
911 Outage Alert	В зоне, где вы находитесь, НЕДОСТУПЕН НОМЕР 911. При возникновении чрезвычайной ситуации вызывайте полицию, пожарных, скорую помощь или другие экстренные службы по местным телефонным номерам. Если вы наберете 911, помощь может не прибыть.
Avalanche Warning	В зоне, где вы находитесь, возможен СХОД ЛАВИНЫ. Быстрый сход нестабильных масс снега может привести к травмам или гибели, заблокировать дороги и повредить здания. ПОКИНЬТЕ эту зону. После эвакуации НЕ ВОЗВРАЩАЙТЕСЬ в нее до тех пор, пока

	местные власти не подтвердят, что это безопасно. Передвижение в возможной зоне схода лавины не рекомендуется, так как лавины могут преодолевать большие расстояния.
Fire Warning	В зоне, где вы находитесь, объявлено ПРЕДУПРЕЖДЕНИЕ о ПРИРОДНОМ ПОЖАРЕ. Немедленно эвакуируйтесь со своей семьей и домашними животными. Ожидается ухудшение видимости и пробки на дорогах. Если вы не покинете эту зону, вы рискуете быть изолированными, получить травму или погибнуть. Возможны ухудшение видимости, сильная задымленность и проблемы с дыханием. Соблюдайте осторожность при вождении транспортного средства. Найдите сотрудников экстренных служб в зоне, где вы находитесь, и следуйте их указаниям.
Hazardous Materials Warning	В зоне, где вы находитесь, произошел ВЫБРОС ОПАСНЫХ МАТЕРИАЛОВ. При воздействии этих материалов возможны проблемы с дыханием, нарушение координации движений, жжение в глазах, носу, горле или легких, а также тошнота и даже смерть. ПОКИНЬТЕ эту зону. Если вы эвакуируетесь НА ТРАНСПОРТНОМ СРЕДСТВЕ, не открывайте окна и не используйте вентиляционную систему. После эвакуации НЕ ВОЗВРАЩАЙТЕСЬ в эту зону до тех пор, пока местные власти не подтвердят, что это безопасно.
Evacuation Immediate	НЕМЕДЛЕННО ЭВАКУИРУЙТЕСЬ. Для зоны, где вы находитесь, выпущен приказ об эвакуации. Немедленно эвакуируйтесь со своей

	семьей и домашними животными. Найдите сотрудников экстренных служб в зоне, где вы находитесь, и следуйте их указаниям.
Shelter in Place Warning	В зоне, где вы находитесь, НЕОБХОДИМО УКРЫТЬСЯ НА МЕСТЕ. В этой зоне возникла опасная ситуация. Укройтесь во внутреннем помещении, закройте двери и окна и оставайтесь на месте. Следите за местными новостями. Будьте осторожны и бдительны.

FORM-FILLABLE ALERT TEMPLATES

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: ЧРЕЗВЫЧАЙНАЯ СИТУАЦИЯ. ТОРНАДО в [LOCATION] до [TIME]. В зоне, где вы находитесь, обнаружен торнадо. Это явление опасно для жизни. Укройтесь в подвале или внутреннем помещении на нижнем этаже устойчивого здания. Если вы на улице, в передвижном доме или в транспортном средстве, отправляйтесь в ближайшее надежное укрытие, чтобы защититься от летящих обломков. Следите за новостями. [URL]
Flash Flood Warning	[SENDING AGENCY]: В [LOCATION] объявлено ЭКСТРЕННОЕ ПРЕДУПРЕЖДЕНИЕ о ВНЕЗАПНОМ НАВОДНЕНИИ (действует до [TIME]). Это явление крайне опасно для жизни. Не совершайте

	поездок, если вы не эвакуируетесь из затопленного района самостоятельно или по приказу об эвакуации. [URL]
Severe Thunderstorm Warning	[SENDING AGENCY]: В [LOCATION] до [TIME] объявлено ПРЕДУПРЕЖДЕНИЕ о СИЛЬНОЙ ГРОЗЕ с РАЗРУШИТЕЛЬНЫМИ порывами ветра скоростью 129 км/ч. Укройтесь в устойчивом здании и не подходите к окнам. Если вы не в укрытии, столкновение с летящими обломками может оказаться смертельным. [URL]
Snow Squall Warning	[SENDING AGENCY]: предупреждение о шквалистом снеге в [LOCATION] до [TIME]. По возможности отложите поездки. В противном случае снизьте скорость передвижения. Возможно резкое ухудшение видимости до нулевой, а также обледенение дорог из-за сильного снегопада. [URL]
Dust Storm Warning	[SENDING AGENCY]: В [LOCATION] до [TIME] объявлено ПРЕДУПРЕЖДЕНИЕ о ПЫЛЕВОЙ БУРЕ. Возможно резкое ухудшение видимости до нулевой. Съезьте на обочину, чтобы остаться в живых! При ухудшении видимости съезьте на обочину дороги и припаркуйте транспортное средство. Выключите фары и уберите ногу с тормоза. Младенцам, пожилым людям и лицам, испытывающим трудности с дыханием, может потребоваться помощь. [URL]

Hurricane Warning	[SENDING AGENCY]: В [LOCATION] до [TIME] объявлено ПРЕДУПРЕЖДЕНИЕ ОБ УРАГАНЕ с опасными и разрушительными порывами ветра. Это предупреждение разослано за 36 часов до начала чрезвычайной ситуации. Срочно примите меры по защите своей жизни и собственности. Подготовьте еду, питьевую воду, наличные деньги, топливо и медикаменты на срок более 3 дней. СЛЕДУЙТЕ ИНСТРУКЦИЯМ МЕСТНЫХ ВЛАСТЕЙ. [URL]
Storm Surge Warning	[SENDING AGENCY]: В [LOCATION] объявлено ПРЕДУПРЕЖДЕНИЕ о ШТОРМОВОМ ПРИЛИВЕ и существует риск опасного для жизни подтопления до [TIME]. Это предупреждение разослано за 36 часов до начала чрезвычайной ситуации. Срочно примите меры по защите своей жизни и собственности. Если в вашем районе действует приказ об эвакуации, следуйте ему, чтобы не утонуть или не оказаться вне досягаемости экстренных служб. [URL]
Extreme Wind Warning	[SENDING AGENCY]: В [LOCATION] до [TIME] объявлено ПРЕДУПРЕЖДЕНИЕ ОБ УРАГАННОМ ВЕТРЕ с опасными для жизни порывами. НЕМЕДЛЕННО укройтесь во внутреннем помещении устойчивого здания и оставайтесь вдали от окон. Защитите голову от летящих обломков. НЕ ВЫХОДИТЕ наружу, если находитесь в центре урагана! Опасные для жизни порывы ветра могут возобновиться в любой момент. [URL]

Test Alert	ЭТО ТЕСТОВОЕ ПРЕДУПРЕЖДЕНИЕ от Национальной беспроводной системы аварийного оповещения, отправленное [SENDING AGENCY]. Его цель — убедиться, что оповещения и предупреждения можно получить на уровне страны, штата, района, резервации и других территорий, улучшить систему рассылки предупреждений и оценить ее эффективность. От населения не требуется никаких действий. [URL]
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	[SENDING AGENCY]: В [LOCATION] объявлено ПРЕДУПРЕЖДЕНИЕ о ЦУНАМИ до [TIME]. Серия мощных волн и сильных течений может достичь побережья в зоне, где вы находитесь. Вы в опасности. Покиньте территорию рядом с побережьем и перейдите на возвышенности или отдаленные от воды зоны. Не приближайтесь к побережью до тех пор, пока местные власти не подтвердят, что это безопасно. [URL]
Earthquake Warning	ОБНАРУЖЕНО ЗЕМЛЕТРЯСЕНИЕ. Опуститесь на четвереньки, прикройте голову и держитесь за какую-либо устойчивую конструкцию. Защитите себя. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: В [LOCATION] необходимо ОБЯЗАТЕЛЬНО КИПЯТИТЬ ВОДУ (предупреждение действует до [TIME]). Вода в вашем районе может вызвать проблемы со здоровьем. По возможности используйте бутилированную воду. Не используйте воду из-под крана или фильтра для питья, готовки, чистки зубов или

	уборки до того, как прокипятите ее. Кипятите воду в течение ТРЕХ МИНУТ. Дайте воде остыть перед применением. Не используйте лед из некипяченой воды. Если вы кормите грудного ребенка смесью, используйте готовые смеси. Не давайте домашним животным пить некипяченую воду. [URL]
911 Outage Alert	[SENDING AGENCY]: В [LOCATION] НЕДОСТУПЕН НОМЕР 911 до [TIME]. При возникновении чрезвычайной ситуации вызывайте полицию, пожарных, скорую помощь или другие экстренные службы по местным телефонным номерам. Если вы наберете 911, помощь может не прибыть. [URL]
Avalanche Warning	[SENDING AGENCY]: В [LOCATION] объявлено ПРЕДУПРЕЖДЕНИЕ о СХОДЕ ЛАВИН до [TIME]. Быстрый сход нестабильных масс снега может привести к травмам или гибели, заблокировать дороги и повредить здания. ПОКИНЬТЕ территорию рядом с [LOCATION]. После эвакуации НЕ ВОЗВРАЩАЙТЕСЬ в эту зону до тех пор, пока местные власти не подтвердят, что это безопасно. Передвижение в возможной зоне схода лавины не рекомендуется, так как лавины могут преодолевать большие расстояния. [URL]
Fire Warning	[SENDING AGENCY] предупреждает о ПРИРОДНОМ ПОЖАРЕ в зоне [LOCATION] (предупреждение действует до [TIME]). Немедленно эвакуируйтесь со своей семьей и домашними животными. Ожидается ухудшение видимости и пробки на дорогах.

	Если вы не покинете эту зону, вы рискуете быть изолированными, получить травму или погибнуть. ПОКИНЬТЕ территорию рядом с [LOCATION]. Возможны ухудшение видимости, сильная задымленность и проблемы с дыханием. Соблюдайте осторожность при вождении транспортного средства. Найдите сотрудников экстренных служб в зоне, где вы находитесь, и следуйте их указаниям. [URL]
Hazardous Materials Warning	[SENDING AGENCY]: в зоне [LOCATION] произошел ВЫБРОС ОПАСНЫХ МАТЕРИАЛОВ (предупреждение действует до [TIME]). При воздействии этих материалов возможны проблемы с дыханием, нарушение координации движений, жжение в глазах, носу, горле или легких, а также тошнота и даже смерть. ПОКИНЬТЕ территорию рядом с [LOCATION]. Если вы эвакуируетесь НА ТРАНСПОРТНОМ СРЕДСТВЕ, не открывайте окна и не используйте вентиляционную систему. После эвакуации НЕ ВОЗВРАЩАЙТЕСЬ в зону ЧС до тех пор, пока местные власти не подтвердят, что это безопасно. [URL]
Evacuation Immediate	Агентство [SENDING AGENCY] выпустило приказ об эвакуации из [LOCATION], действующий до [TIME]. Немедленно эвакуируйтесь со своей семьей и домашними животными. Найдите сотрудников экстренных служб в зоне, где вы находитесь, и следуйте их указаниям. [URL]
Shelter in Place Warning	Агентство [SENDING AGENCY] предупреждает о необходимости укрыться на месте в [LOCATION] (предупреждение действует до

	[TIME])). В этой зоне возникла опасная ситуация. Укройтесь во внутреннем помещении, закройте двери и окна и оставайтесь на месте. Будьте осторожны и бдительны. [URL]

SPANISH TRANSLATION
STATIC ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	EMERGENCIA POR TORNADO. Un tornado se ha detectado en esta área. Esta es una situación con peligro de muerte. Resguárdese ahora en un subterráneo o en una habitación interior en el piso más bajo de algún edificio resistente. Si usted está en exteriores, en una casa rodante o en un vehículo, trasládese al lugar más resguardado posible y protéjase de los escombros que vuelan por el aire. Siga los medios de comunicación.
Flash Flood Warning	UNA EMERGENCIA POR INUNDACIÓN REPENTINA está en efecto para esta área. La situación es extremadamente peligrosa y con riesgo de muerte. No intente movilizarse, excepto si es para abandonar un área de inundación o por orden de evacuación.
Severe Thunderstorm Warning.	ADVERTENCIA DE FUERTE TORMENTA ELÉCTRICA en efecto para esta área por vientos DESTRUCTIVOS de 80 millas por hora. Resguárdese en un edificio resistente, lejos de las ventanas. Los escombros que vuelan impulsados por los fuertes vientos pueden ser mortales para quienes no estén resguardados.
Snow Squall Warning	ADVERTENCIA DE TORMENTA DE NIEVE en efecto para esta área. ¡Baje la velocidad o postergue su viaje! Prepárese para una repentina reducción o ausencia total de visibilidad y hielo en las carreteras con intensas nevadas.
Dust Storm Warning	ADVERTENCIA DE TORMENTA DE POLVO Y ARENA en efecto para esta área. Prepárese para una repentina reducción o total ausencia de visibilidad. Hágase a un lado. ¡No pierda su vida! Cuando pierda visibilidad, salga de la carretera y ponga el embrague de su vehículo en “estacionar”. Apague las luces y saque el pie de los frenos. Se insta a tomar precauciones adicionales para los niños de corta edad, ancianos y personas con problemas respiratorios.
Hurricane Warning	UNA ADVERTENCIA DE HURACÁN está en efecto para esta área por vientos peligrosos que pueden causar daños. Esta advertencia se emite hasta 36 horas antes de que las condiciones peligrosas comiencen. Es urgente que complete esfuerzos para proteger vidas y propiedad. Asegure disponibilidad de alimentos, agua, dinero en efectivo, combustible y medicamentos para un mínimo de 3 días. SIGA LAS INSTRUCCIONES DE LAS AUTORIDADES LOCALES.
Storm Surge Warning	UNA ADVERTENCIA DE MAREJADA CICLÓNICA está en efecto para esta área por peligro de inundaciones con riesgo de muerte. Esta advertencia se emite hasta 36 horas antes de que las condiciones peligrosas comiencen. Es urgente que complete esfuerzos para proteger vidas y propiedad. Siga posibles órdenes de evacuación de esta área para evitar muertes por ahogo o aislamiento sin acceso a los servicios de emergencia.
Extreme Wind Warning	Una ADVERTENCIA DE VIENTOS EXTREMADAMENTE FUERTES está en efecto para esta área por peligro inmediato de fuertes vientos con riesgo de muerte. Resguárdese AHORA en alguna habitación interior de un edificio resistente y lejos de las ventanas. Proteja su cabeza de escombros que vuelan impulsados por el viento. ¡NO salga en medio de la calma del ojo del huracán! Los vientos pronto volverán a ser peligrosos.
Test Alert	ESTA ES UNA PRUEBA del sistema nacional de alertas de emergencia inalámbricas (National Wireless Emergency Alert System). El propósito es mantener y mejorar las capacidades de alerta y de advertencia a nivel federal, estatal, local, Tribal y territorial, y evaluar la capacidad nacional de las alertas y advertencias públicas. El público no necesita hacer nada.
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	ADVERTENCIA DE TSUNAMI. Una serie de grandes olas y fuertes corrientes podrían afectar las zonas costeras cercanas a su área. Usted está en peligro. Aléjese ahora mismo de las aguas costeras y diríjase a terrenos elevados o lejos de la costa. Manténgase alejado de la costa hasta que las autoridades le avisen que puede regresar sin peligro.
Earthquake Warning	¡TEMBLOR O TERREMOTO DETECTADO! Agáchese a nivel del suelo, cúbrase, espere. Protéjase.
Boil Water Advisory	¡ALERTA! HIERVA EL AGUA en su área. El agua en su comunidad podría enfermarle. Use agua embotellada si está disponible. No beba agua del grifo, aunque esté filtrada, no la use para cocinar o lavarse los dientes ni para limpiar su hogar. Hiérvala antes. El agua debe hervir por lo menos TRES MINUTOS. Enfríe el agua antes de usarla. No use cubos de hielo preparados con agua sin hervir. Si usa leche preparada para su bebé, use la que viene lista (no la que requiere agua). Asegúrese de que sus mascotas no beban agua sin hervir. Siga los medios de comunicación locales.
911 Outage Alert	ALERTA POR INTERRUPCIÓN DE SERVICIOS 911 en esta área. En caso de emergencia, contáctese con las autoridades policiales, de bomberos, de asistencia médica u otros servicios de emergencia, llamando directamente a sus teléfonos locales. Puede no obtener ayuda si llama al 911.
Avalanche Warning	ADVERTENCIA DE AVALANCHA para esta área. El rápido movimiento de nieve inestable puede ocurrir repentinamente, con peligro de daño físico o muerte, y podría bloquear caminos y dañar propiedades en las áreas afectadas. ABANDONE esta área. NO vuelva al área tras la evacuación hasta que las autoridades se lo indiquen. No se recomienda viajar en terrenos con avalanchas. Las avalanchas pueden alcanzar grandes distancias.
Fire Warning	ADVERTENCIA DE INCENDIO en esta área. Evacúe a su familia y mascotas ahora, sin demoras. La visibilidad del área disminuirá y los caminos podrían resultar bloqueados. Si usted no abandona el área ahora, podría quedar atrapado, resultar herido o morir. Prepárese para una reducción de la visibilidad, denso humo y dificultad para respirar. Maneje con cuidado. Manténgase atento ante la posible presencia de personal de seguridad operando en el área y siga sus instrucciones.

FORM-FILLABLE ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: EMERGENCIA POR TORNADO en [LOCATION] hasta [TIME]. Un tornado se ha detectado en esta área. Esta es una situación con peligro de muerte. Resguárdese ahora en un subterráneo o en una habitación interior en el piso más bajo de algún edificio resistente. Si usted está en exteriores, en una casa rodante o en un vehículo, trasládese al lugar más resguardado posible y protéjase de los escombros que vuelan por el aire. Siga los medios de comunicación. [URL]
Flash Flood Warning	[SENDING AGENCY]: UNA EMERGENCIA POR INUNDACIÓN REPENTINA está en efecto para [LOCATION] hasta [TIME]. La situación es extremadamente peligrosa y con riesgo de muerte. No intente movilizarse, excepto si es para abandonar un área de inundación o por orden de evacuación. [URL]
Severe Thunderstorm Warning.	[SENDING AGENCY]: ADVERTENCIA DE FUERTE TORMENTA ELÉCTRICA en efecto para [LOCATION] hasta [TIME] por vientos DESTRUCTIVOS de 80 millas por hora. Resguárdese en un edificio resistente, lejos de las ventanas. Los escombros que vuelan impulsados por los fuertes vientos pueden ser mortales para quienes no estén resguardados. [URL]
Snow Squall Warning	[SENDING AGENCY]: Advertencia de Tormenta de Nieve para [LOCATION] hasta [TIME] ¡Baje la velocidad o postergue su viaje! Prepárese para una repentina reducción o ausencia total de visibilidad y hielo en las carreteras con intensas nevadas. [URL]
Dust Storm Warning	[SENDING AGENCY]: ADVERTENCIA DE TORMENTA DE POLVO Y ARENA para [LOCATION] hasta [TIME]. Prepárese para una repentina reducción o total ausencia de visibilidad. Hágase a un lado. ¡No pierda su vida! Cuando pierda visibilidad, salga de la carretera y ponga el embrague de su vehículo en “estacionar”. Apague las luces y saque el pie de los frenos. Se insta a tomar precauciones adicionales para los niños de corta edad, ancianos y personas con problemas respiratorios. [URL]
Hurricane Warning	[SENDING AGENCY]: UNA ADVERTENCIA DE HURACÁN está en efecto para [LOCATION] hasta [TIME] por vientos peligrosos que pueden causar daños. Esta advertencia se emite hasta 36 horas antes de que las condiciones peligrosas comiencen. Es urgente que complete esfuerzos para proteger vidas y propiedad. Asegure disponibilidad de alimentos, agua, dinero en efectivo, combustible y medicamentos para un mínimo de 3 días. SIGA LAS INSTRUCCIONES DE LAS AUTORIDADES LOCALES. [URL]
Storm Surge Warning	[SENDING AGENCY]: UNA ADVERTENCIA DE MAREJADA CICLÓNICA está en efecto para [LOCATION] hasta [TIME] por peligro de inundaciones con riesgo de muerte. Esta advertencia se emite hasta 36 horas antes de que las condiciones peligrosas comiencen. Es urgente que complete esfuerzos para proteger vidas y propiedad. Siga posibles órdenes de evacuación de esta área para evitar muertes por ahogo o aislamiento sin acceso a los servicios de emergencia. [URL]
Extreme Wind Warning	[SENDING AGENCY]: Una ADVERTENCIA DE VIENTOS EXTREMADAMENTE FUERTES está en efecto para [LOCATION] hasta [TIME] por peligro inmediato de fuertes vientos con riesgo de muerte. Resguárdese AHORA en alguna habitación interior de un edificio resistente y lejos de las ventanas. Proteja su cabeza de escombros que vuelan impulsados por el viento. ¡NO salga en medio de la calma del ojo del huracán! Los vientos pronto volverán a ser peligrosos. [URL]
Test Alert	ESTA ES UNA PRUEBA del sistema nacional de alertas de emergencia inalámbricas (National Wireless Emergency Alert System) enviada por [SENDING AGENCY]. El propósito es mantener y mejorar las capacidades de alerta y de advertencia a nivel federal, estatal, local, Tribal y territorial, y evaluar la capacidad nacional de las alertas y advertencias públicas. El público no necesita hacer nada. [URL]
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	[SENDING AGENCY]: Una ADVERTENCIA DE TSUNAMI para [LOCATION] está en efecto hasta [TIME]. Una serie de grandes olas y fuertes corrientes podrían afectar las zonas costeras cercanas a su área. Usted está en peligro. Aléjese ahora mismo de las aguas costeras y diríjase a terrenos elevados o lejos de la costa. Manténgase alejado de la costa hasta que las autoridades le avisen que puede regresar sin peligro. [URL]
Earthquake Warning	¡TEMBLOR O TERREMOTO DETECTADO! Agáchese a nivel del suelo, cúbrase, espere. Protéjase. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: ¡ALERTA! HIERVA EL AGUA en [LOCATION] hasta [TIME]. El agua en su comunidad podría enfermarle. Use agua embotellada si está disponible. No beba agua del grifo, aunque esté filtrada, no la use para cocinar o lavarse los dientes ni para limpiar su hogar. Hiérvala antes. El agua debe hervir por lo menos TRES MINUTOS. Enfríe el agua antes de usarla. No use cubos de hielo preparados con agua sin hervir. Si usa leche preparada para su bebé, use la que viene lista (no la que requiere agua). Asegúrese de que sus mascotas no beban agua sin hervir. Siga los medios de comunicación locales. [URL]
911 Outage Alert	[SENDING AGENCY]: ALERTA POR INTERRUPCIÓN DE SERVICIOS 911 en [LOCATION] hasta [TIME]. En caso de emergencia, contáctese con las autoridades policiales, de bomberos, de asistencia médica u otros servicios de emergencia, llamando directamente a sus teléfonos locales. Puede no obtener ayuda si llama al 911. [URL]
Avalanche Warning	[SENDING AGENCY]: ADVERTENCIA DE AVALANCHA para [LOCATION] en efecto hasta [TIME]. El rápido movimiento de nieve inestable puede ocurrir repentinamente, con peligro de daño físico o muerte, y podría bloquear caminos y dañar propiedades en las áreas afectadas. ABANDONE áreas cercanas a [LOCATION]. NO vuelva al área tras la evacuación hasta que las autoridades se lo indiquen. No se recomienda viajar en terrenos con avalanchas. Las avalanchas pueden alcanzar grandes distancias. [URL]
Fire Warning	[SENDING AGENCY] Una ADVERTENCIA DE INCENDIO en [LOCATION] está en efecto hasta [TIME]. Evacúe a su familia y mascotas ahora, sin demoras. La visibilidad del área disminuirá y los caminos podrían resultar bloqueados. Si usted no abandona el área ahora, podría quedar atrapado, resultar herido o morir. ABANDONE las áreas cercanas a [LOCATION]. Prepárese para una reducción de la visibilidad, denso humo y dificultad para respirar. Maneje con cuidado. Manténgase atento ante la posible presencia de personal de seguridad operando en el área y siga sus instrucciones. [URL]

Alert type	Alert template
Hazardous Materials Warning.	[SENDING AGENCY]: UNA EMANACIÓN DE SUSTANCIAS PELIGROSAS ha ocurrido a las [TIME] en [LOCATION]. La exposición a dichas sustancias puede causar dificultades respiratorias, pérdida de coordinación, sensación de ardor en los ojos, nariz, garganta o pulmones, náusea y riesgo de muerte. ABANDONE [LOCATION]. SI CONDUCE para evacuar el área, mantenga el vehículo con las ventanas y ventilaciones cerradas. NO VUELVA al área tras la evacuación a menos que las autoridades locales se lo indiquen. [URL]
Evacuation Immediate	[SENDING AGENCY] ha emitido una orden de evacuación inmediata para [LOCATION] en efecto hasta [TIME]. Evacúe a su familia y mascotas ahora mismo, sin demoras. Preste atención al personal de seguridad pública que opera en el área y siga sus instrucciones. [URL]
Shelter in Place Warning ...	[SENDING AGENCY] emitió una ADVERTENCIA DE REFUGIO EN EL LUGAR DONDE ESTÁ para [LOCATION] en efecto hasta [TIME]. Hay peligro en su área. Entre a una habitación interior, cierre las puertas y ventanas y manténgase en el lugar donde está. Manténgase alerta y actúe con precaución. [URL]

TAGALOG (FILIPINO) TRANSLATION

STATIC ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	TORNADO EMERGENCY. May nakitang buhawi sa lugar na ito. Isa itong sitwasyon na nagbabanta sa buhay. Sumilong na sa isang basement o isang panloob na kuwerto sa pinakamababang palapag ng isang matibay na gusali. Kung nasa labas ka, sa isang mobile home, o sa isang sasakyan, lumipat sa pinakamalapit na malaking silungan at protektahan ang iyong sarili mula sa lumilipad na mga labi. Tingnan ang media.
Flash Flood Warning	May FLASH FLOOD EMERGENCY para sa lugar na ito. Isa itong sitwasyon na lubhang mapanganib at nagbabanta sa buhay. Huwag subukang maglakbay maliban kung tumatakas ka sa isang lugar na napapailalim sa pagbaha o sa ilalim ng isang utos ng paglikas.
Severe Thunderstorm Warning.	May BABALA SA MALUBHANG BAGYO NA MAY KULOG AT KIDLAT para sa lugar na ito dahil sa MAPAMINSALANG 80 milya kada oras na hangin. Sumilong sa isang matibay na gusali nang malayo sa mga bintana. Maaaring nakamamatay ang mga lumilipad na debris sa mga maaabutan nang walang silungan.
Snow Squall Warning	May BABALA SA SNOW SQUALL para sa lugar na ito. Bagalan o ipagpaliban ang paglalakbay! Maging handa para sa biglaang pagbaha sa halos zero visibility at nagyeyelong mga kalsada sa makapal na niyebe.
Dust Storm Warning	May BABALA SA DUST STORM para sa lugar na ito. Maging handa para sa biglaang pagbaha sa zero visibility. Tumabi, Manatiling Buhay! Kapag bumaba ang visibility, huminto sa malayo sa kalsada at ilagay ang iyong sasakyan sa pag-park. Patayin ang mga ilaw at ilayo ang iyong paa sa preno. Hinikayat ang mga sanggol, matatanda at may mga problema sa paghinga na mag-ingat.
Hurricane Warning	May BABALA SA HURRICANE para sa lugar na ito para sa mapanganib at mapaminsalang hangin. Ibinibigay ang babalang ito hanggang 36 na oras bago magsimula ang mga mapanganib na kondisyon. Tapusin agad ang mga pagsisikap na protektahan ang buhay at ari-arian. Magkaroon ng pagkain, tubig, pera, gasolina, at mga gamot na tatagal ng 3+ araw. SUNDIN ANG MGA DIREKSYON MULA SA MGA LOKAL NA OPISYAL.
Storm Surge Warning	May BABALA SA STORM SURGE para sa lugar na ito para sa panganib ng pagbaha na nagbabanta sa buhay. Ibinibigay lang hanggang 36 na oras bago magsimula ang mga mapanganib na kondisyon. Tapusin agad ang mga pagsisikap na protektahan ang buhay at ari-arian. Sundin ang mga utos sa paglikas kung ibinigay para sa lugar na ito para maiwasan ang pagkalunod o pagkaputol sa mga serbisyong pang-emergency.
Extreme Wind Warning	MAY BABALA SA MATINDING HANGIN para sa lugar na ito dahil sa agarang panganib ng mga hanging nagbabanta sa buhay. Magtago NGAYON sa isang panloob na kuwerto ng isang matibay na gusali, malayo sa mga bintana. Protektahan ang iyong ulo mula sa lumilipad na debris. HUWAG lumabas kapag kumalma ang panahon sa mata ng bagyo! Mabilis na magiging mapanganib muli ang hangin.
Test Alert	PAGTESTING ITO ng National Wireless Emergency Alert System. Layunin nitong mapanatili at pagbutihin ang mga kakayahan sa alert at babala sa mga antas ng pederal, estado, lokal, Tribal at teritoryal at para magawan ng ebalwasyon ang pampublikong alerto at mga kakayahan sa babala ng bansa. Walang aksyon ang kailangan ng publiko.

MOST TIME-SENSITIVE ALERTS

Tsunami Warning	BABALA sa TSUNAMI. Ang isang serye ng malalakas na alon at malakas na alon ay maaaring makaapekto sa mga baybayin na malapit sa iyo. Nasa panganib ka. Lumayo sa mga tubig sa baybayin. Lumipat sa mataas na lupa o sa loob ng bansa ngayon. Lumayo sa baybayin hanggang sa sabihin ng mga lokal na opisyal na ligtas nang bumalik.
Earthquake Warning	NAKA-DETECT NG LINDOL! Umupo, Magtakip, Kumapit. Protektahan ang Iyong Sarili.
Boil Water Advisory	ALERT SA PAGPAPAKULO NG TUBIG na ibinigay para sa inyong lugar. Ang tubig sa iyong komunidad ay maaaring magdulot ng sakit sa iyo. Gumamit ng nakaboteng tubig kung available. Huwag uminom, magluto, magsepilyo ng iyong ngipin, o linisin ang iyong tahanan gamit ang gripo o sinalang tubig hanggang sa pakuluan mo ito. Pakuluan ang tubig sa loob ng TATLONG MINUTO. Hayaang lumamig ang tubig bago gamitin. Huwag gumamit ng yelo na gawa sa tubig na hindi pa pinakuluan. Kung gagamit ka ng formula para pakainin ang iyong anak, gumamit ng ready-to-use formula. Siguraduhin na a hindi umiinom ng tubig na hindi pa pinakuluan ng mga alagang hayop. Tingnan ang lokal na media.
911 Outage Alert	May ALERT SA PAGKAWALA NG 911 sa lugar na ito. Pakikontak ang pulisya, bumbero, medikal, o iba pang mga serbisyong pang-emergency nang direkta sa kanilang mga lokal na numero ng telepono kung sakaling magkaroon ng emergency. Kung magda-dial ka sa 911, maaaring hindi ka makakuha ng tulong.

Alert type	Alert template
Avalanche Warning	May BABALA NG AVALANCE sa lugar na ito. Ang unstable at mabilis na paggalaw ng snow ay maaaring mangyari nang biglaan, na nagdudulot ng pinsala o kamatayan at maaaring humarang sa mga kalsada at makapinsala sa mga ari-arian sa mga apektadong lugar. UMALIS sa lugar na ito. HUWAG bumalik sa lugar pagkatapos ng paglikas hanggang sa iatas ng mga lokal na opisyal. Hindi inirerekomenda ang paglalakbay sa avalanche terrain. Maaaring umabot ng malalayong distansya ang mga avalanche.
Fire Warning	BABALA SA SUNOG sa lugar na ito. Ilikas ang iyong pamilya at mga alagang hayop ngayon, huwag magpahuli. Mababawasan ang visibility sa lugar at maaaring maharangan ang mga kalsada. Kung hindi ka aalis ngayon, maaari kang makulong, masugatan, o mamatay. Asahan ang pagbawas ng visibility, mabigat na usok, at kahirapan sa paghinga. Mag-ingat sa pagmamaneho. Bantayan ang mga public safety personnel na nagtatrabaho sa lugar at sundin ang kanilang mga direksyon.
Hazardous Materials Warning.	Isang release ng MGA MAPANGANIB NA MATERYAL ang naganap sa iyong lugar. Maaaring magdulot ang pagka-expose ng kahirapan sa paghinga, pagkawala ng koordinasyon, pagkasunog sa mata, ilong, lalamunan, o бага, pagduduwal, at posibleng kamatayan. UMALIS sa lugar na ito. KUNG NAGMAMANEHO para lumikas sa lugar, panatiliing nakasara ang mga bintana at vent ng sasakyan. HUWAG bumalik sa lugar pagkatapos ng paglikas hanggang sa iatas ng mga lokal na opisyal.
Evacuation Immediate	UMALIS KA AGAD. Inilabas ang utos ng paglikas sa iyong lugar. Ilikas ang iyong pamilya at mga alagang hayop ngayon, huwag magpahuli. Abangan ang mga public safety personnel na nagtatrabaho sa lugar at sundin ang kanilang mga direksyon.
Shelter in Place Warning ...	May BABALA SA PAGHANAP NG MASISILUNGAN na ibinigay sa iyong lugar. May panganib sa inyong lugar. Pumasok sa loob sa isang kuwarto sa loob, isara ang mga pinto at bintana, at manatili kung nasaan ka. Tingnan ang lokal na media. Manatiling alerto at mag-ingat.

FORM-FILLABLE ALERT TEMPLATES

Alert type	Alert template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: EMERGENCY NG BUHAWI sa [LOCATION] hanggang [TIME]. May nakitang buhawi sa lugar na ito. Isa itong sitwasyon na nagbabanta sa buhay. Sumilong ngayon sa isang basement o isang panloob na kuwarto sa pinakamababang palapag ng isang matibay na gusali. Kung nasa labas ka, sa isang mobile home, o sa isang sasakyan, lumipat sa pinakamalapit na malaking silungan at protektahan ang iyong sarili mula sa lumilipad na debris. Tingnan ang media. [URL]
Flash Flood Warning	[SENDING AGENCY]: May FLASH FLOOD EMERGENCY para sa [LOCATION] hanggang [TIME]. Isa itong sitwasyon na lubhang mapanganib at nagbabanta sa buhay. Huwag subukang maglakbay maliban kung tumatakas ka sa isang lugar na napapailalim sa pagbaha o sa ilalim ng isang utos ng paglikas. [URL]
Severe Thunderstorm Warning.	[SENDING AGENCY]: May BABALA SA MALUBHANG BAGYO NA MAY KULOG AT KIDLAT para sa [LOCATION] hanggang [TIME] dahil sa MAPAMINSALANG hanging 80 milya kada oras. Sumilong sa isang matibay na gusali nangmalayo sa mga bintana. Maaaring nakamamatay ang lumilipad na debris sa mga maaabutannang walang silungan. [URL]
Snow Squall Warning	[SENDING AGENCY]: Babala sa Snow Squall para sa [LOCATION] hanggang [TIME]. Bagalan o ipagpaliban ang paglalakbay! Maging handa para sa biglaang pagbaba sa halos zero visibility at nagyeyelong mga kalsada sa makapal na niyebe. [URL]
Dust Storm Warning	[SENDING AGENCY]: BABALA SA DUST STORM para sa [LOCATION] hanggang [TIME]. Maging handa para sa biglaang pagbaba sa zero visibility. Tumabi, Manatiling Buhay! Kapag bumaba ang visibility, huminto sa malayo sa kalsada at i-park ang iyong sasakyan. Patayin ang mga ilaw at alisin ang iyong paa sa preno. Hinihikayat na mag-ingat ang mga sanggol, matatanda at mga may problema sa paghinga. [URL]
Hurricane Warning	[SENDING AGENCY]: MAYBABALA NG HURRICANE para sa [LOCATION] dahil sa mga mapanganib at mapaminsalang hangin na may bisa hanggang [TIME]. Ibinibigay ang babalang ito hanggang 36 na oras bago magsimula ang mga mapanganib na kondisyon. Tapusin agad ang mga pagsisikap na protektahan ang buhay at ari-arian. Magkaroon ng pagkain, tubig, pera, gasolina, at mga gamot na tatagal nang 3+ araw. SUNDIN ANG MGA DIREKSYON MULA SA MGA LOKAL NA OPISYAL. [URL]
Storm Surge Warning	[SENDING AGENCY]: MAY BABALA SA STORM SURGE para sa [LOCATION] para sa panganib ng nagbabanta sa buhay na pagbaha hanggang [TIME]. Ibinibigay ang babalang ito hanggang 36 na oras bago magsimula ang mga mapanganib na kondisyon. Tapusin agad ang mga pagsisikap na protektahan ang buhay at ari-arian. Sundin ang mga utos sa paglikas kung ibinigay para sa lugar na ito para maiwasan ang pagkalunod o pagkaputol sa mga serbisyong pang-emergency. [URL]
Extreme Wind Warning	[SENDING AGENCY]: May BABALA SAMATINDING HANGIN para sa [LOCATION] dahil sa agarang panganib ng mga hanging nagbabanta sa buhay hanggang [TIME]. Magtago NGAYON sa isang panloob na kuwarto ng isang matibay na gusali nangmalayo sa mga bintana. Protektahan ang iyong ulo mula sa lumilipad na debris. HUWAG lumabas kapag kalmado na dahil sa mata ng bagyo! Mabilis na magiging mapanganib muli ang hangin. [URL]
Test Alert	PAGTESTING ITO ng National Wireless Emergency Alert System na ipinadala ng [SENDING AGENCY]. Layunin nitong panatilihin at pagandahin ang mga kakayahan sa alert at babala sa mga antas ng pederal, estado, lokal, Tribal at teritoryal at para gawan ng ebalwasyon ang mga kakayahan sa pampublikong alert at babala ng bansa. Walang kinakailangang aksyon ng publiko. [URL]

MOST TIME-SENSITIVE ALERTS

Tsunami Warning	[SENDING AGENCY]: Ang TSUNAMI WARNING para sa [LOCATION] ay may bisa hanggang [TIME]. Ang isang serye ng malalakas na alon at malakas na alon ay maaaring makaapekto sa mga baybayin na malapit sa iyo. Nasa panganib ka. Lumayo sa mga tubig sa baybayin. Lumipat sa mataas na lupa o sa loob ng bansa ngayon. Lumayo sa baybayin hanggang sa sabihin ng mga lokal na opisyal na ligtas nang bumalik. [URL]

Alert type	Alert template
Earthquake Warning	NAKA–DETECT NG LINDOL! Umupo, Magtakip, Kumapit. Protektahan ang Iyong Sarili. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: Ang ALERT SA PAGPAPAKULO NG TUBIG na ibinigay para sa [LOCATION] ay may bisa hanggang [TIME]. Ang tubig sa iyong komunidad ay maaaring magdulot ng sakit sa iyo. Gumamit ng nakaboteng tubig kung available. Huwag uminom, magluto, magsepilyo ng iyong ngipin, o linisin ang iyong tahanan gamit ang gripo o sinalang tubig hanggang sa pakuluan mo ito. Pakuluan ang tubig sa loob ng TATLONG MINUTO. Hayaang lumamig ang tubig bago gamitin. Huwag gumamit ng yelo na gawa sa tubig na hindi pa pinakuluan. Kung gagamit ka ng formula para pakainin ang iyong anak, gumamit ng ready-to-use formula. Siguraduhin na hindi umiinom ng tubig na hindi pa pinakuluan ang mga alagang hayop. [URL]
911 Outage Alert	[SENDING AGENCY]: ALERT SA PAGKWALA NG 911 sa [LOCATION] hanggang [TIME]. Pakikontak ang pulisya, bumbero, medikal, o iba pang mga serbisyong pang-emergency nang direkta sa kanilang mga lokal na numero ng telepono kung sakaling magkaroon ng emergency. Kung magda-dial ka sa 911, maaaring hindi ka makakuha ng tulong. [URL]
Avalanche Warning	[SENDING AGENCY]: Ang BABALA SA AVALANCE na may bisa sa [LOCATION] ay may bisa hanggang [TIME]. Ang unstable at mabilis na paggalaw ng snow ay maaaring mangyari nang biglaan, na nagdudulot ng pinsala o kamatayan at maaaring humarang sa mga kalsada at makapinsala sa mga ari-arian sa mga apektadong lugar. UMALIS sa mga lugar na malapit sa [LOCATION]. HUWAG bumalik sa lugar pagkatapos ng paglikas hanggang sa iatas ng mga lokal na opisyal. Hindi inirerekomenda ang paglalakbay sa avalanche terrain. Maaaring umabot ng malalayong distansya ang mga avalanches. [URL]
Fire Warning	[SENDING AGENCY] Ang BABALA SA SUNOG sa [LOCATION] ay may bisa hanggang [TIME]. Ilikas ang iyong pamilya at mga alagang hayop ngayon, huwag magpahuli. Mababawasan ang visibility sa lugar at maaaring maharangan ang mga kalsada. Kung hindi ka aalis ngayon, maaari kang makulong, masugatan, o mapatay. UMALIS sa mga lugar na malapit sa [LOCATION]. Asahan ang pagbawas ng visibility, mabigat na usok, at kahirapan sa paghinga. Mag-ingat sa pagmamaneho. Abangan ang mga public safety personnel na nagtatrabaho sa lugar at sundin ang kanilang mga direksyon. [URL]
Hazardous Materials Warning.	[SENDING AGENCY]: Isang release ng MGA MAPANGANIB NA MATERYAL ang naganap noong [TIME] sa [LOCATION]. Maaaring magdulot ang pagka-expose ng kahirapan sa paghinga, pagkawala ng koordinasyon, pagkasunog sa mata, ilong, lalamunan, o бага, pagduduwal, at posibleng kamatayan. UMALIS sa mga lugar na malapit sa [LOCATION]. KUNG NAGMAMANEHO para lumikas sa lugar, panatiliing nakasara ang mga bintana at vent ng sasakyan. HUWAG bumalik sa lugar pagkatapos ng paglikas maliban kung iniatas ng mga lokal na opisyal. [URL]
Evacuation Immediate	Naglabas ang [SENDING AGENCY] ng kautusan na lumikas para sa [LOCATION] na may bisa hanggang [TIME]. Ilikas ang iyong pamilya at mga alagang hayop ngayon, huwag magpahuli. Abangan ang mga public safety personnel na nagtatrabaho sa lugar at sundin ang kanilang mga direksyon. [URL]
Shelter in Place Warning ...	Nagbigay ang [SENDING AGENCY] ng babala sa paghahanap ng magsisilungan para sa [LOCATION] na may bisa hanggang [TIME]. May panganib sa inyong lugar. Pumasok sa loob ng kuwarto sa loob, isara ang mga pinto at bintana, at manatili kung nasaan ka. Manatiling alerto at mag-ingat. [URL]

VIETNAMESE TRANSLATION

STATIC ALERT TEMPLATES

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	KHẨN CẤP LỐC XOÁY. Lốc xoáy xuất hiện ở khu vực này. Đây là một tình huống đe dọa tính mạng. Hãy trú ẩn ngay bây giờ ở tầng hầm hoặc phòng bên trong ở tầng thấp nhất của một tòa nhà kiên cố. Nếu bạn đang ở ngoài trời, trong nhà di động hoặc trên ô tô, hãy di chuyển đến nơi trú ẩn chắc chắn gần nhất và bảo vệ bản thân khỏi các mảnh vụn bay. Kiểm tra phương tiện truyền thông.
Flash Flood Warning	KHẨN CẤP LŨ QUÉT có hiệu lực đối với khu vực này. Đây là một tình huống cực kỳ nguy hiểm và đe dọa tính mạng. Đừng cố gắng di chuyển trừ khi bạn đang chạy trốn khỏi khu vực bị lũ lụt hoặc có lệnh sơ tán.
Severe Thunderstorm Warning	CẢNH BÁO GIÔNG NGHIÊM TRỌNG có hiệu lực đối với khu vực này vì sức gió TÀN PHÁ 80 dặm/giờ. Hãy trú ẩn trong một tòa nhà vững chắc, tránh xa cửa sổ. Các mảnh vụn bay có thể gây tử vong cho những người bị bắt mà không có nơi trú ẩn.
Snow Squall Warning	CẢNH BÁO BÃO TUYẾT có hiệu lực đối với khu vực này. Làm chậm hoặc trì hoãn việc đi lại! Hãy sẵn sàng cho tình huống tầm nhìn giảm đột ngột xuống gần bằng 0 và đường bị đóng băng do tuyết dày.
Dust Storm Warning	CẢNH BÁO BÃO BỤI cho khu vực này. Hãy sẵn sàng cho việc giảm tầm nhìn đột ngột xuống mức 0. Kéo sang một bên, sống sót! Khi tầm

	nhìn giám, hãy tập xe ra xa đường và đỗ xe. Tắt đèn và giữ chân không phanh. Trẻ sơ sinh, người già và những người có vấn đề về hô hấp được khuyến khích nên đề phòng.
Hurricane Warning	CẢNH BÁO CUỒNG PHONG có hiệu lực đối với khu vực này vì có gió nguy hiểm và gây thiệt hại. Cảnh báo này được đưa ra tối đa 36 giờ trước khi các điều kiện nguy hiểm bắt đầu. Khẩn trương hoàn thành các nỗ lực để bảo vệ tính mạng và tài sản. Có thức ăn, nước uống, tiền mặt, nhiên liệu và thuốc men trong hơn 3 ngày. LÀM THEO HƯỚNG DẪN CỦA CÁC VIÊN CHỨC ĐỊA PHƯƠNG.
Storm Surge Warning	CẢNH BÁO TRIỀU CUỒNG DO BÃO đang có hiệu lực đối với khu vực này vì nguy cơ lũ lụt đe dọa tính mạng. Cảnh báo này được đưa ra tối đa 36 giờ trước khi các điều kiện nguy hiểm bắt đầu. Khẩn trương hoàn thành các nỗ lực để bảo vệ tính mạng và tài sản. Tuân theo lệnh sơ tán nếu được đưa ra cho khu vực này để tránh bị chết đuối hoặc bị cắt khỏi các dịch vụ khẩn cấp.
Extreme Wind Warning	CẢNH BÁO GIÓ CỰC MẠNH có hiệu lực đối với khu vực này vì nguy cơ trước mắt là gió đe dọa tính mạng. Hãy ẩn náu NGAY BÂY GIỜ trong một căn phòng bên trong của một tòa nhà kiên cố, cách xa cửa sổ. Bảo vệ đầu của bạn khỏi các mảnh vụn bay. KHÔNG đi ra ngoài khi có mắt bão yên tĩnh! Gió sẽ nhanh chóng trở nên nguy hiểm trở lại.
Test Alert	ĐÂY LÀ KIỂM TRA Hệ thống cảnh báo khẩn cấp không dây quốc gia. Mục đích là để duy trì và cải thiện khả năng cảnh báo và cảnh báo ở cấp liên bang, tiểu bang, địa phương, bộ lạc và lãnh thổ, đồng thời đánh giá khả năng cảnh báo và cảnh báo công cộng của quốc gia. Không có hành động nào được yêu cầu bởi công đồng.

MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	CẢNH BÁO SÓNG THẦN. Một loạt sóng mạnh và dòng chảy mạnh có thể tác động đến các bờ biển gần bạn. Bạn đang gặp nguy hiểm. Rời xa vùng nước ven biển. Di chuyển đến vùng đất cao hoặc nội địa ngay bây giờ. Tránh xa bờ biển cho đến khi các quan chức địa phương cho biết có thể quay trở lại an toàn.
Earthquake Warning	PHÁT HIỆN ĐỘNG ĐẤT! Nằm xuống, Che phủ, Giữ chặt. Tự bảo vệ bản thân.
Boil Water Advisory	CẢNH BÁO NƯỚC SÔI được ban hành cho khu vực của bạn. Nước trong cộng đồng của bạn có thể khiến bạn bị bệnh. Sử dụng nước đóng chai nếu có. Không uống, nấu ăn, đánh răng hoặc lau nhà bằng vòi hoặc nước lọc cho đến khi đun sôi. Đun sôi nước trong BA PHÚT. Để nước nguội trước khi sử dụng. Không sử dụng đá làm bằng nước chưa đun sôi. Nếu bạn sử dụng sữa công thức để cho con ăn, hãy sử dụng sữa công thức pha sẵn. Đảm bảo vật nuôi không uống nước chưa đun sôi. Kiểm tra phương tiện truyền thông địa phương.
911 Outage Alert	CẢNH BÁO sập nguồn 911 ở khu vực này. Vui lòng liên hệ trực tiếp với cảnh sát, cứu hỏa, y tế hoặc các dịch vụ khẩn cấp khác theo số điện thoại địa phương của họ trong trường hợp khẩn cấp. Nếu bạn quay số 911, bạn có thể không nhận được trợ giúp.
Avalanche Warning	CẢNH BÁO TUYẾT LỎ ở khu vực này. Tuyết di chuyển nhanh, không ổn định có thể xảy ra nhanh chóng, gây thương tích hoặc tử vong, đồng thời có thể chặn đường và gây thiệt hại tài sản ở các khu vực bị ảnh hưởng. RỜI KHỎI khu vực này. KHÔNG quay lại khu vực sau khi sơ tán

	cho đến khi có chỉ dẫn của quan chức địa phương. Du lịch trong địa hình tuyết lở không được khuyến khích. Tuyết lở có thể chạy rất xa.
Fire Warning	CẢNH BÁO HỎA HOẠN ở khu vực này. Hãy sơ tán gia đình và vật nuôi của bạn ngay bây giờ, đừng trì hoãn. Tầm nhìn trong khu vực sẽ bị giảm và đường có thể bị tắc nghẽn. Nếu không rời đi ngay bây giờ, bạn có thể bị mắc kẹt, bị thương hoặc bị giết. Dự kiến tầm nhìn bị giảm, khói dày đặc và khó thở. Hãy cẩn thận khi lái xe. Quan sát nhân viên an toàn công cộng hoạt động trong khu vực và làm theo hướng dẫn của họ.
Hazardous Materials Warning	Đã xảy ra sự cố rò rỉ VẬT LIỆU NGUY HIỂM trong khu vực của bạn. Phơi nhiễm có thể gây khó thở, mất khả năng phối hợp, cảm giác nóng rát ở mắt, mũi, họng hoặc phổi, buồn nôn và có thể tử vong. RỜI KHỎI khu vực này. NẾU LÁI XE đến khu vực sơ tán, hãy đóng cửa sổ và lỗ thông hơi của ô tô. KHÔNG quay lại khu vực sau khi sơ tán cho đến khi có chỉ dẫn của quan chức địa phương.
Evacuation Immediate	Sơ tán ngay lập tức. Lệnh sơ tán được ban hành trong khu vực của bạn. Hãy sơ tán gia đình và vật nuôi của bạn ngay bây giờ, đừng trì hoãn. Quan sát nhân viên an toàn công cộng hoạt động trong khu vực và làm theo hướng dẫn của họ.
Shelter in Place Warning	CẢNH BÁO TÌM NƠI TRÚ ẨN được ban hành trong khu vực của bạn. Nguy hiểm trong khu vực của bạn. Đi vào một căn phòng bên trong, đóng các cửa ra vào và cửa sổ rồi ở yên tại chỗ. Kiểm tra phương tiện truyền thông địa phương. Hãy cảnh giác và vận dụng sự thận trọng.

FORM-FILLABLE ALERT TEMPLATES

Alert Type	Alert Template
MOST COMMONLY ISSUED ALERTS	
Tornado Warning	[SENDING AGENCY]: CẢNH BÁO LỐC LỐC ở [LOCATION] cho đến [TIME]. Lốc xoáy xuất hiện ở khu vực này. Đây là một tình huống nguy hiểm đến tính mạng.. Hãy trú ẩn ngay bây giờ ở tầng hầm hoặc phòng bên trong ở tầng thấp nhất của một tòa nhà kiên cố. Nếu bạn đang ở ngoài trời, trong nhà di động hoặc trên ô tô, hãy di chuyển đến nơi trú ẩn chắc chắn gần nhất và bảo vệ bản thân khỏi các mảnh vụn bay. Kiểm tra phương tiện truyền thông. [URL]
Flash Flood Warning	[SENDING AGENCY]: CẢNH BÁO LŨ QUÉT có hiệu lực đối với [LOCATION] cho đến [TIME]. Đây là một tình huống cực kỳ nguy hiểm và đe dọa tính mạng. Đừng cố gắng di chuyển trừ khi bạn đang chạy trốn khỏi khu vực bị lũ lụt hoặc có lệnh sơ tán. [URL]
Severe Thunderstorm Warning	[SENDING AGENCY]: CẢNH BÁO GIÔNG có hiệu lực từ [LOCATION] cho đến [TIME] đối với sức gió PHÁ HỦY 80 dặm/giờ. Hãy trú ẩn trong một tòa nhà vững chắc, tránh xa cửa sổ. Các mảnh vụn bay có thể gây tử vong cho những người bị bắt mà không có nơi trú ẩn. [URL]
Snow Squall Warning	[SENDING AGENCY]: Cảnh báo bão tuyết cho [LOCATION] cho đến [TIME]. Làm chậm hoặc trì hoãn việc đi lại! Hãy sẵn sàng cho tình huống tầm nhìn giảm đột ngột xuống gần bằng 0 và đường băng giá với tuyết dày. [URL]

Dust Storm Warning	[SENDING AGENCY]: CẢNH BÁO BÃO BỤI cho [LOCATION] cho đến [TIME]. Hãy sẵn sàng cho việc giảm tầm nhìn đột ngột xuống mức 0. Kéo sang một bên, sống sót! Khi tầm nhìn giảm, hãy tấp xe ra xa đường và đỗ xe. Tắt đèn và giữ chân không phanh. Trẻ sơ sinh, người già và những người có vấn đề về hô hấp được khuyến khích nên đề phòng. [URL]
Hurricane Warning	[SENDING AGENCY]: CẢNH BÁO BÃO có hiệu lực đối với [LOCATION] do gió nguy hiểm và có sức tàn phá có hiệu lực cho đến [TIME]. Cảnh báo này được đưa ra tối đa 36 giờ trước khi các điều kiện nguy hiểm bắt đầu. Khẩn trương hoàn thành các nỗ lực để bảo vệ tính mạng và tài sản. Có thức ăn, nước uống, tiền mặt, nhiên liệu và thuốc men trong hơn 3 ngày. THEO HƯỚNG DẪN CỦA CÁC VIÊN CHỨC ĐỊA PHƯƠNG. [URL]
Storm Surge Warning	[SENDING AGENCY]: CẢNH BÁO TRIỀU CUỒNG DO BÃO có hiệu lực đối với [LOCATION] vì nguy cơ lũ lụt đe dọa tính mạng cho đến [TIME]. Cảnh báo này được đưa ra tối đa 36 giờ trước khi các điều kiện nguy hiểm bắt đầu. Khẩn trương hoàn thành các nỗ lực để bảo vệ tính mạng và tài sản. Tuân theo lệnh sơ tán nếu được đưa ra cho khu vực này để tránh bị chết đuối hoặc bị cắt khỏi các dịch vụ khẩn cấp. [URL]
Extreme Wind Warning	[SENDING AGENCY]: CẢNH BÁO GIÓ CỰC MẠNH có hiệu lực đối với [LOCATION] vì nguy cơ gió đe dọa tính mạng ngay lập tức cho đến [TIME]. Hãy ẩn náu NGAY BÂY GIỜ trong một căn phòng bên trong của một tòa nhà kiên cố, cách xa cửa sổ. Bảo vệ đầu của bạn khỏi các

	mảnh vụn bay. KIIÔNG đi ra ngoài khi có mất bão yên tĩnh! Gió sẽ nhanh chóng trở nên nguy hiểm trở lại. [URL]
Test Alert	ĐÂY LÀ KIỂM TRA Hệ thống cảnh báo khẩn cấp không dây quốc gia được gửi bởi [SENDING AGENCY]. Mục đích là để duy trì và cải thiện khả năng cảnh báo và cảnh báo ở cấp liên bang, tiểu bang, địa phương, Bộ lạc và lãnh thổ, đồng thời đánh giá khả năng cảnh báo và cảnh báo công cộng của quốc gia. Không có hành động nào được yêu cầu bởi công chúng. [URL]
MOST TIME-SENSITIVE ALERTS	
Tsunami Warning	[SENDING AGENCY]: CẢNH BÁO SÓNG THẦN cho [LOCATION] có hiệu lực cho đến [TIME]. Một làn sóng mạnh mẽ và dòng năng lượng có thể tác động đến các bờ biển gần bạn. Bạn đang gặp nguy hiểm. Đổi vùng nước ven biển. Chuyển đến vùng đất cao hoặc nội địa ngay bây giờ. Tránh xa bờ biển cho đến khi các quan chức địa phương cho biết có thể quay trở lại an toàn. [URL]
Earthquake Warning	PHÁT HIỆN ĐỘNG ĐẤT! Nằm xuống, Che phủ, Giữ chặt. Tự bảo vệ bản thân. [SENDING AGENCY] [URL]
Boil Water Advisory	[SENDING AGENCY]: CẢNH BÁO NƯỚC SÔI được ban hành cho [LOCATION] có hiệu lực cho đến [TIME]. Nước trong cộng đồng của bạn có thể khiến bạn bị bệnh. Sử dụng nước đóng chai nếu có. Không uống, nấu ăn, đánh răng hoặc lau nhà bằng vòi hoặc nước lọc cho đến khi đun sôi. Đun sôi nước trong BA PHÚT. Để nước nguội trước khi sử dụng. Không sử dụng đá làm bằng nước chưa đun sôi. Nếu bạn sử dụng

	sữa công thức để cho con ăn, hãy sử dụng sữa công thức pha sẵn. Đảm bảo vật nuôi không uống nước chưa đun sôi. [URL]
911 Outage Alert	[SENDING AGENCY]: CẢNH BÁO SẬP NGUỒN 911 tại [LOCATION] cho đến [TIME]. Vui lòng liên hệ trực tiếp với cảnh sát, cứu hỏa, y tế hoặc các dịch vụ khẩn cấp khác theo số điện thoại địa phương của họ trong trường hợp khẩn cấp. Nếu bạn quay số 911, bạn có thể không nhận được trợ giúp. [URL]
Avalanche Warning	[SENDING AGENCY]: CẢNH BÁO TUYẾT LỞ có hiệu lực tại [LOCATION] có hiệu lực cho đến [TIME]. Tuyết di chuyển nhanh, không ổn định có thể xảy ra nhanh chóng, gây thương tích hoặc tử vong, đồng thời có thể chặn đường và gây thiệt hại tài sản ở các khu vực bị ảnh hưởng. RỜI KHỎI các khu vực gần [LOCATION]. KHÔNG quay lại khu vực sau khi sơ tán cho đến khi có chỉ dẫn của quan chức địa phương. Du lịch trong địa hình tuyết lở không được khuyến khích. Tuyết lở có thể di chuyển rất xa. [URL]
Fire Warning	[SENDING AGENCY] CẢNH BÁO HỎA HOẠN ở [LOCATION] có hiệu lực cho đến [TIME]. Hãy sơ tán gia đình và vật nuôi của bạn ngay bây giờ, đừng trì hoãn. Tầm nhìn trong khu vực sẽ bị giảm và đường có thể bị tắc nghẽn. Nếu không rời đi ngay bây giờ, bạn có thể bị mắc kẹt,
Hazardous Materials Warning	[SENDING AGENCY]: Đã xảy ra sự cố phát tán VẬT LIỆU NGUY HIỂM vào [TIME] ở [LOCATION]. Phơi nhiễm có thể gây khó thở, mất khả năng phối hợp, cảm giác nóng rát ở mắt, mũi, họng hoặc phổi, buồn nôn và có thể tử vong. RỜI KHỎI các khu vực gần [LOCATION]. NẾU LÁI XE đến khu vực sơ tán, hãy đóng cửa sổ và lỗ thông hơi của ô tô.

	KHÔNG quay lại khu vực sau khi sơ tán trừ khi có chỉ dẫn của quan chức địa phương. [URL]
Evacuation Immediate	[SENDING AGENCY] đã ban hành lệnh sơ tán cho [LOCATION] có hiệu lực cho đến [TIME]. Hãy sơ tán gia đình và vật nuôi của bạn ngay bây giờ, đừng trì hoãn. Quan sát nhân viên an toàn công cộng hoạt động trong khu vực và làm theo hướng dẫn của họ. [URL]
Shelter in Place Warning	[SENDING AGENCY] đã đưa ra cảnh báo trú ẩn tại chỗ cho [LOCATION] có hiệu lực cho đến [TIME]. Nguy hiểm trong khu vực của bạn. Đi vào một căn phòng bên trong, đóng các cửa ra vào và cửa sổ rồi ở yên tại chỗ. Hãy cảnh giác và sử dụng thận trọng. [URL]

List of Subjects in 47 CFR Part 10

Communications equipment,
Emergency preparedness, Language
accessibility.
Federal Communications Commission.
Marlene Dortch,
Secretary.

Proposed Rules

For the reasons discussed in the
document above, the Federal

Communications Commission proposes
to amend 47 CFR part 10 as follows:

**PART 10—WIRELESS EMERGENCY
ALERTS**

- 1. The authority citation for part 10 is
revised to read as follows:
Authority: 47 U.S.C. 151, 152, 154(i),
154(n), 201, 301, 303(b), 303(e), 303(g),
303(j), 303(r), 307, 309, 316, 403, 544(g), 606,
1201, 1202, 1203, 1204, and 1206.

- 2. Delayed indefinitely, amend
§ 10.480 by reserving paragraph (b) and
adding paragraph (c) to read as follows:

§ 10.480 Language support.
* * * * *

- (b) [Reserved]
(c) The pre-scripted alert templates
that must be supported are provided at
[https://www.fcc.gov/multilingual-
wireless-emergency-alerts](https://www.fcc.gov/multilingual-wireless-emergency-alerts).
[FR Doc. 2024-07401 Filed 5-10-24; 8:45 am]
BILLING CODE 6712-01-C



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Part V

Environmental Protection Agency

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review; Final Rule

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 63****[EPA-HQ-OAR-2020-0430; FRL-7522-02-OAR]****RIN 2060-AU63****National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the Primary Copper Smelting major source category regulated under national emission standards for hazardous air pollutants (NESHAP). This action also finalizes the technology review for the Primary Copper Smelting area source NESHAP. The final amendments for the major source NESHAP include particulate matter (PM) emission standards as a surrogate for metal hazardous air pollutants (HAP) other than mercury (primarily lead and arsenic) for anode refining point sources, process fugitive emissions from roofline vents, Hoboken converter process fugitive capture systems where they combine with anode refining point sources, and new converters. We are also finalizing emission standards for previously unregulated HAP including mercury, benzene, toluene, hydrogen chloride (HCl), chlorine, polycyclic aromatic hydrocarbons (PAH), and dioxins and furans (D/F). In addition, we are taking final action in the major source NESHAP to establish work practice standards for bypass stacks, and add a new emissions limit for lead and emissions control design standards to minimize process fugitive emissions at facilities with flash furnaces and Peirce-Smith converters. Final amendments for both the major source NESHAP and the area source NESHAP include removing exemptions and associated provisions for periods of startup, shutdown, and malfunction (SSM), specifying that the emission standards apply at all times, and requiring electronic reporting of performance test results and notification of compliance reports.

DATES: This final rule is effective May 13, 2024, except for amendatory instruction 3, which is effective July 15, 2024. The incorporation by reference (IBR) of certain publications listed in

the rule is approved by the Director of the Federal Register as of May 13, 2024.

ADDRESSES: The U.S. Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA-HQ-OAR-2020-0430. All documents in the docket are listed on the <https://www.regulations.gov/> website. Although listed, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov/>, or in hard copy at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact U.S. EPA, Attn: Amanda Hansen, Mail Drop: D243-04, 109 T.W. Alexander Drive, P.O. Box 12055, RTP, North Carolina 27711; telephone number: (919) 541-3165; email address: hansen.amanda@epa.gov. For specific information regarding the risk modeling methodology, contact U.S. EPA, Attn: James Hirtz, Mail Drop: C539-02, 109 T.W. Alexander Drive, P.O. Box 12055, RTP, North Carolina 27711; telephone number: (919) 541-0881; email address: hirtz.james@epa.gov.

SUPPLEMENTARY INFORMATION: Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ACI activated carbon injection
ADEQ Arizona Department of Environmental Quality
ANSI American National Standards Institute
BTF beyond-the-floor
CAA Clean Air Act
CEDRI Compliance and Emissions Data Reporting Interface
CEMS continuous emissions monitoring system
CFR Code of Federal Regulations
CRA Congressional Review Act
CMS continuous monitoring systems
DCOT digital camera opacity technique

D/F dioxins and furans
DSI dry sorbent injection
EAF electric arc furnaces
EJ Environmental Justice
EPA Environmental Protection Agency
ERT Electronic Reporting Tool
FEM Federal equivalent method
FR Federal Register
FRM Federal reference method
GACT generally available control technology
gr/dscf grains per dry standard cubic feet
HAP hazardous air pollutants
HCl hydrogen chloride
HEM-4 Human Exposure Model, Version 1.5.5
HI hazard index
HQ hazard quotient
ICR information collection request
lbs pounds
lb/hr pounds per hour
LEAN Louisiana Environmental Action Network
MACT maximum achievable control technology
mg/dscm milligrams per dry standard cubic meter
MIR maximum individual risk
MTG Measurement Technology Group
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NESHAP National Emission Standards for Hazardous Air Pollutants
NTTAA National Technology Transfer and Advancement Act
OAR Office of Air and Radiation
OMB Office of Management and Budget
PAH polycyclic aromatic hydrocarbons
Pb lead
PDF portable document format
PM particulate matter
PRA Paperwork Reduction Act
RATA Relative Accuracy Test Audit
REL reference exposure level
RFA Regulatory Flexibility Act
RIN Regulatory Information Number
RTR risk and technology review
SIP state implementation plan
SO₂ sulfur dioxide
SSM startup, shutdown, and malfunction
TEQ toxic equivalency quotient
TOSHI target organ-specific hazard index
tpy ton per year
ug/m³ micrograms per cubic meter
UMRA Unfunded Mandates Reform Act
UPL upper prediction limit
VCS voluntary consensus standards
WESP wet electrostatic precipitator

Background information. On January 11, 2022 (87 FR 1616), and July 24, 2023 (88 FR 47415), the EPA proposed revisions to the Primary Copper Smelting major source NESHAP based on our RTR. In this action, we are finalizing decisions and revisions for the major source rule. On January 11, 2022 (87 FR 1616), the EPA also proposed revisions to the Primary Copper Smelting area source NESHAP based on our technology review. In this action, we are also finalizing decisions and revisions for the area source rule.

We summarize some of the more significant comments we timely received regarding the proposed rules and provide our responses in this preamble. A summary of all other public comments on the proposals and the EPA's responses to those comments is available in *National Emission Standards for Hazardous Air Pollutant Emissions: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review: Summary of Public Comments and Responses*, Docket ID No. EPA-HQ-OAR-2020-0430. "Track changes" versions of the regulatory language that incorporate the changes to the two rules in this action are available in the docket.

Organization of this document. The information in this preamble is organized as follows:

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I. General Information

A. Executive Summary

This action presents the results of the U.S. Environmental Protection Agency (EPA or the Agency) residual risk and technology review (RTR) for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for major source Primary Copper Smelters as required under the Clean Air Act (CAA). Pursuant to the CAA, this action also presents the results of the technology review for the Primary Copper Smelting area source NESHAP.

Based on the results of the risk review, the EPA is finalizing a determination that risks from emissions of air toxics from this major source category are currently unacceptable. This unacceptable risk determination considers all health information, including the EPA's analysis of health risks associated with emissions of lead and arsenic from these facilities. The modeled exceedance of the lead National Ambient Air Quality Standard (NAAQS) of 0.15 ug/m³ at Freeport represents an important health metric in EPA's unacceptability determination for

the Primary Copper source category. The EPA estimated that the highest modeled rolling 3-month concentration of lead at a residential location is 0.17 ug/m³ based on 2019 actual emissions and 0.24 ug/m³ based on allowable emissions, at the Freeport facility, refer to appendix 1; section 9 of the *Residual Risk Assessment for the Primary Copper Smelting Source Category in Support of the 2021 Risk and Technology Review Proposed Rule* for additional details of the monitor to model comparison for this rule. The NAAQS off-site lead (Pb) monitor (at Miami Golf Course) recorded Pb levels for 2019 were below the NAAQS with a maximum 3-month Pb concentration at the monitor of 0.038 ug/m³, while the modeled Pb concentration based upon actual emissions for this site was 0.045 ug/m³. This close alignment of the monitor with model results for the Miami Golf Course site provides us with additional confidence in our maximum off-site model concentration of 0.17 ug/m³ at a residential location. The EPA also found that the maximum individual risk (MIR) of cancer was estimated to be 70-in-1 million based on actual emissions and 90-in-1 million based on allowable emissions (driven by arsenic emissions), which is approaching the presumptive level of unacceptability of 100-in-1 million. In addition, the EPA found that the maximum acute hazard quotient (HQ) was 7 (also driven by arsenic emissions). Considering all of the health risk information and factors discussed above, along with the risk information and uncertainties discussed in the 2022 proposed rule preamble (87 FR 1616), the EPA has determined that the current risks for this source category are unacceptable.

To reduce risks to an acceptable level, the EPA is finalizing a new emission limit for particulate matter (PM) as a surrogate for particulate hazardous air pollutant (HAP) metals (such as lead and arsenic) in the major source NESHAP for a combination of process fugitive roofline emissions from the anode refining department, copper converter departments, slag cleaning vessels and smelting vessels (also known as smelting furnaces). This standard will achieve significant reductions of lead and arsenic emissions and their associated health risks (as described in section IV.A. of this preamble).

Pursuant to the *LEAN* decision (which is described further in section II.A. of this preamble), the EPA is also finalizing new emissions standards based on maximum achievable control technology (MACT) for the major source NESHAP to address currently

unregulated emissions of HAP, as follows: PM, as a surrogate for particulate HAP metals, for (1) anode refining furnace point source emissions; (2) new converters; and (3) the combination of process fugitive roofline emissions from the anode refining department, copper converter departments, slag cleaning vessels and smelting vessels (also known as smelting furnaces). The EPA is also finalizing new pollutant-specific emissions limits based on MACT for the following HAP: mercury, lead, benzene, toluene, hydrogen chloride (HCl), chlorine, polycyclic aromatic hydrocarbons (PAH), naphthalene and dioxins and furans (D/F). Furthermore, in this final action, after reviewing and considering public comments, the EPA is finalizing work practice standards according to CAA 112(h) for bypass stacks which were previously an unregulated emissions source.

Pursuant to the CAA mandated technology review, we are finalizing a PM limit (as a surrogate for nonmercury metal HAP) for the combined emissions from the Hoboken converter process fugitive capture systems where they combine with anode refining point source emissions. This standard will achieve significant reductions of lead and arsenic emissions (as described in sections III.B. and IV.B. of this preamble). Furthermore, we are finalizing emissions control design standards to minimize process fugitive HAP metals emissions from roof vents at facilities with flash furnaces and Peirce-Smith converters. In addition, under the technology review the EPA is finalizing work practice standards to minimize fugitive dust emissions which will achieve further emissions reductions beyond the reductions that will be achieved from the rooflines under the risk review for major sources (described above).

With regard to primary copper smelting area sources, the Agency did not identify any developments in practices, processes, or control technologies. Therefore, the EPA is not finalizing any new or revised standards pursuant to the CAA technology review for the area source NESHAP.

In addition to the new and revised standards described in the previous paragraphs, consistent with *Sierra Club v. EPA* (which is described further in section III.D. of this preamble), the EPA is also finalizing rule changes to remove exemptions and associated provisions for periods of startup, shutdown, and malfunction (SSM) and to specify that the emission standards apply at all times. The EPA is also finalizing rule changes to require electronic reporting

of performance test results and notification of compliance reports for both area and major sources. Implementation of the rules is expected to reduce HAP metal emissions from primary copper smelters, improve human health, and reduce environmental impacts associated with those emissions. This final action will also result in improved monitoring, compliance, and implementation of the existing standards.

During development of these proposed and final rules, the EPA also completed a demographic analysis which indicates that cancer risks associated with emissions from the major source category disproportionately affect communities with environmental justice concerns, including low-income residents, American Indians, and Hispanics living near these facilities. Once the new and revised standards (described in this preamble) are implemented, risks in nearby communities due to HAP emissions will be reduced to acceptable levels and the NESHAP will provide an ample margin of safety to protect public health.

B. Does this action apply to me?

The source categories that are the subject of this action are Primary Copper Smelting Major Sources regulated under 40 CFR part 63, subpart QQQ, and Primary Copper Smelting Area Sources, regulated under 40 CFR part 63, subpart EEEEE. The North American Industry Classification System (NAICS) code for the primary copper smelting industry is 331410. This list of categories and NAICS codes is not intended to be exhaustive, but rather provides a guide for readers regarding the entities that this final action is likely to affect. The final standards will be directly applicable to the affected sources. State, local, and Tribal governments would not be directly affected by this final action. As defined in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990* (see 57 FR 31576, July 16, 1992) and *Documentation for Developing the Initial Source Category List, Final Report* (see EPA-450/3-91-030, July 1992), the Primary Copper Smelting major source category addresses any major source facility engaged in the pyrometallurgical process used for the extraction of copper from sulfur oxides, native ore concentrates, or other copper bearing minerals. As originally defined, the category includes, but is not limited to, the following smelting process units: roasters, smelting furnaces, and converters. Affected sources under the

current major source NESHAP are concentrate dryers, smelting furnaces, slag cleaning vessels, converters, and fugitive emission sources. The area source category was added to the source category list in 2002 (67 FR 70427, 70428). Affected sources under the area source NESHAP are concentrate dryers, smelting vessels (e.g., furnaces), converting vessels, matte drying and grinding plants, secondary gas systems, and anode refining operations.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at <https://www.epa.gov/stationary-sources-air-pollution/primary-copper-smelting-national-emissions-standards-hazardous-air> and at <https://www.epa.gov/stationary-sources-air-pollution/primary-copper-smelting-area-sources-national-emissions-standards>. Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at <https://www.epa.gov/stationary-sources-air-pollution/risk-and-technology-review-national-emissions-standards-hazardous>. This information includes an overview of the RTR program and links to project websites for the RTR source categories.

D. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by July 12, 2024. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable

to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of HAP from stationary sources. In the first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. “Major sources” are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAP. For major sources, these standards are commonly referred to as MACT standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including, but not limited to, those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT

floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements. Standards more stringent than the floor are commonly referred to as beyond-the-floor (BTF) standards. In certain instances, as provided in CAA section 112(h), the EPA may set work practice standards in lieu of numerical emission standards. For area sources, CAA section 112(d)(5) gives the EPA discretion to set standards based on generally available control technologies or management practices (Generally Available Control Technology (GACT) standards) in lieu of MACT standards.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them “as necessary (taking into account developments in practices, processes, and control technologies)” no less frequently than every 8 years, pursuant to CAA section 112(d)(6). In conducting this review, the EPA is not required to recalculate the MACT floors that were established in earlier rulemakings.

Natural Resources Defense Council (NRDC) v. EPA, 529 F.3d 1077, 1084 (D.C. Cir. 2008). *Association of Battery Recyclers, Inc. v. EPA*, 716 F.3d 667 (D.C. Cir. 2013). The EPA may consider cost in deciding whether to revise the standards pursuant to CAA section 112(d)(6). The EPA is required to address regulatory gaps, such as missing standards for listed air toxics known to be emitted from the source category, and any new MACT standards must be established under CAA sections 112(d)(2) and (3), or, in specific circumstances, CAA sections 112(d)(4) or (h). *Louisiana Environmental Action Network (LEAN) v. EPA*, 955 F.3d 1088 (D.C. Cir. 2020). Under the residual risk

review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).¹ Section 112(d)(5) of the CAA provides that this residual risk review is not required for categories of area sources subject to GACT standards. For more information on the statutory authority for this rule, see 87 FR 1616 and 88 FR 47415.

B. What is the Primary Copper Smelting source category and how does the NESHAP regulate HAP emissions from the source category?

The primary copper smelting source category includes any facility that uses a pyrometallurgical process to produce anode copper from copper ore concentrates. Primary copper smelting begins with copper mines supplying the ore concentrate (typically 30 percent copper). In most cases, the moisture is reduced from the ore concentrate in dryers, and then the ore concentrate is fed through a smelting furnace where it is melted and reacts to produce copper matte. One existing smelter is able to feed its copper concentrate directly to the smelting furnace without prior drying. Copper matte is a molten solution of copper sulfide mixed with iron sulfide and is about 60 percent copper. The solution is further refined using converters to make blister copper, which is approximately 98 percent copper. Converters use oxidation to remove sulfide as sulfur dioxide (SO₂) gas and the iron as a ferrous oxide slag. The majority of the SO₂ gases are sent to a sulfuric acid plant. The slag is removed, cooled, and often processed again to remove any residual copper. The blister copper is reduced in the anode furnace to remove impurities and oxygen, typically by injecting natural gas and steam, to produce a high purity

¹ The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC v. EPA*, 529 F.3d 1077, 1083 (D.C. Cir. 2008) (“If EPA determines that the existing technology-based standards provide an ‘ample margin of safety,’ then the Agency is free to readopt those standards during the residual risk rulemaking.”).

copper. The molten copper from the anode refining furnace is poured into molds and cooled to produce solid copper ingots called anodes. This process is known as casting. The anodes are sent to a copper refinery, either on-site or at an off-site location, for further purification using an electrolytic process to obtain high purity copper that is sold as a product.

The processing units of interest at primary copper smelters, because of their potential to generate HAP emissions, are the following: dryers, smelting furnaces, copper converters, anode refining furnaces, and, if present, copper holding vessels, slag cleaning vessels, and matte drying and grinding plants. In addition, fugitive emissions are sources of HAP at primary copper smelters. The transfer of matte, converter slag, and blister copper is the primary source of fugitive emissions.

There are three primary copper smelting facilities in the U.S. that are subject to the NESHAPs in this review. Two of the facilities, Asarco and Freeport (also referred to as FMMI), are both located in Arizona and are major sources of HAP emissions that are subject to subpart QQQ, the major source NESHAP. The third facility, Kennecott, is located in Utah and is an area source subject to subpart EEEEE, the area source NESHAP.

Two of the facilities (Asarco and Kennecott) use flash smelting furnaces (the INCO smelting furnace and the Outotec®, respectively). Flash smelting furnaces consist of blowing fine, dried copper sulfide concentrate and silica flux with air, oxygen-enriched air or oxygen into a hot hearth-type furnace. The sulfide minerals in the concentrate react with oxygen resulting in oxidation of the iron and sulfur, which produces heat and therefore melting of the solids. The molten matte and slag are removed separately from the furnace as they accumulate, and at the facility using the INCO furnace, the matte is transferred via ladles to the copper converters. The Freeport facility uses an ISASMELT furnace. The ISASMELT process involves dropping wet feed through a feed port, such that dryers are not needed. A mixture of air, oxygen, and natural gas is blown through a vertical lance in the center of the furnace, generating heat and melting the feed. The molten metal is then tapped from the bottom and sent to an electric furnace to separate the matte from slag. The slag is removed from the electric furnace through tapholes and is transferred to slag pots via ladles. The matte is also removed from the electric furnace through tapholes and transferred to the converter via ladles.

At the area source primary copper smelter, molten copper matte tapped from the Outotec® smelting furnace is not transferred as molten material directly to the converting vessel as is performed at the two major source smelters. Instead, the matte is first quenched with water to form solid granules of copper matte. These matte granules are then ground to a finer texture and fed to the flash converting furnace for the continuous converting of copper. The continuous copper converter differs significantly in design and operation from the cylindrical batch converters operated at the other U.S. smelters. Because there are no transfers of molten material between the smelting furnace and the continuous copper converter, this technology has inherently lower potential HAP emissions than a smelter using batch copper converting technology.

In either a facility using batch copper converting or a facility using continuous copper converting, and as discussed above in this section, molten blister copper is next transferred from the converting vessel to an anode furnace for refining to further remove residual impurities and oxygen, and then poured into molds to produce solid copper ingots called anodes. The anode copper is sent to a copper refinery, either on-site or at another location, where it is further purified using an electrolytic process to obtain the high purity copper that is sold as a product. The copper refinery is not part of the primary copper smelting source category.

The current NESHAP for major sources (40 CFR part 63, subpart QQQ) was proposed on April 20, 1998 (63 FR 19582), with a supplement to the proposed rule published on June 26, 2000 (65 FR 39326). The final rule, promulgated on June 12, 2002 (67 FR 40478), established PM standards as a surrogate for HAP metals for copper concentrate dryers, smelting furnaces, slag cleaning vessels, and existing converters. The major source NESHAP applies to major sources that use batch copper converters. Regarding new sources, the NESHAP prohibits batch converters for new sources, which indirectly means that any new source would need to have continuous converters, similar to the area source (Kennecott), or another technology. The converter building is subject to an opacity limit that only applies during performance testing. A fugitive dust plan is required to minimize fugitive dust emissions. Subpart QQQ also establishes requirements to demonstrate initial and continuous compliance with all applicable emission limitations, work practice standards, and operation

and maintenance requirements. Annual performance testing is required to demonstrate compliance.

The NESHAP for area sources (40 CFR part 63, subpart EEEEE) establishes GACT standards for primary copper smelting area sources and was proposed on October 6, 2006 (71 FR 59302) and finalized on January 23, 2007 (72 FR 2930). Technical corrections were then published on July 3, 2007, via direct final rule (72 FR 36363). The affected sources (*i.e.*, copper concentrate dryers, smelting vessels, converting vessels, matte drying and grinding plants, secondary gas systems and anode refining departments) are subject to PM limits as a surrogate for HAP metals. Compliance is demonstrated by either continuously measuring PM, conducting a performance test every 2.5 years, or operating a PM continuous emission monitoring system (CEMS).

C. What changes did we propose for the Primary Copper Smelting source category in our January 11, 2022, proposal and in our July 24, 2023, supplemental proposal?

On January 11, 2022, the EPA published a proposed rule in the **Federal Register** (87 FR 1616) for the NESHAP for Primary Copper Smelting, 40 CFR part 63, subpart QQQ, that took into consideration the RTR analyses and for the NESHAP for Primary Copper Smelting Area Sources, 40 CFR part 63, subpart EEEEE, that took into consideration the technology review. In the 2022 proposed rule, we proposed:

- PM limits based on the MACT floor for anode refining point sources at new and existing major sources;
- PM limits based on the MACT floor for process fugitive emissions from roofline vents of smelting furnaces at new and existing major sources;
- PM limits based on the MACT floor for process fugitive emissions from roofline vents of converters at new and existing major sources;
- PM limits based on beyond-the-floor (BTF) for process fugitive emissions from roofline vents at anode refining operations at new and existing major sources;
- PM limits based on the MACT floor for new converters at major sources;
- Facility-wide mercury limit based on BTF for any combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, and the smelting vessels at existing major sources;
- Facility-wide mercury limit based on the MACT floor for new major sources;

- Revisions to the existing fugitive dust control work practice standards to make them more robust than what is currently required by the major source NESHAP;

- Removal of SSM exemptions and associated provisions and specify that emissions standards apply at all times for both area sources and major sources; and

- Requirements for electronic reporting of performance test reports and notification of compliance reports for both area sources and major sources.

During the comment period for the 2022 proposal, the EPA received public comments from industry, Tribal nations, environmental groups, Arizona Department of Environmental Quality (ADEQ), and private citizens. After reviewing the comments, and after consideration of additional data and information received since the 2022 proposal, the EPA determined it was appropriate to gather additional data, revise some of the analyses associated with that proposal, and to publish a supplemental proposal for the major source NESHAP.

In support of the supplemental proposal, the EPA sent a section 114 information request to the Freeport facility only, as the Asarco facility has been idled since October 2019. The section 114 information request was delivered to the Freeport facility on August 31, 2022. In response to this section 114 information request, the EPA received performance test results for the Freeport facility containing emission rates of benzene, 1,4-dichlorobenzene, chlorine, formaldehyde, hexane, hydrogen fluoride, hydrogen chloride, toluene, total hydrocarbons, PAH including naphthalene, and dioxins and furans. The section 114 information request response from Freeport also provided data regarding costs and feasibility of installing additional controls for the aisle scrubber including a wet electrostatic precipitator (WESP) and a baghouse to control emissions from the Hoboken converter process fugitive capture system. Finally, the section 114 information request response from Freeport provided detailed information for input materials, emission sources, and process information.

In addition to the information collected through the section 114 information request, the EPA also received information during and after the public comment period of the 2022 proposed RTR. This additional information included cost estimates for the control devices which we expect would be needed to comply with the emission limits proposed in the 2022

proposal (*e.g.*, for mercury, lead and arsenic). It also included additional performance testing results for the roofline vents, vent fume stack, aisle scrubber, and acid plant stack. Finally, Freeport also voluntarily performed an additional performance test for mercury in 2022 and submitted those results to the EPA.

Based on evaluation of all the data, we proposed several revised and new MACT standards in a supplemental proposal published in the **Federal Register** (88 FR 47415) on July 24, 2023, pursuant to CAA sections 112(d)(2), (d)(3), (d)(6), and (f). For the supplemental proposal, which addressed only the major source NESHAP, we proposed:

- Benzene, toluene, HCl, chlorine, PAH, naphthalene and D/F limits based on the MACT floor for any new and existing combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, and the smelting vessels at major sources based on test data submitted by the only operating major source;

- Revisions to the proposed PM limits for process fugitive emissions from roofline vents of smelting vessels, converters, and anode refining operations at new and existing sources to provide a combined emission limit for all roofline vents based on additional test data and comments submitted by affected facilities;

- Revisions to the proposed mercury limits for any new and existing combination of stacks or other vents from the copper concentrate dryers, converting department, the anode refining department, and the smelting vessels to provide a limit based on the MACT floor after considering additional test data and comments submitted by affected facilities; and

- Prohibition of the use of bypass stacks for major sources.

We also co-proposed two options for further controlling HAP metals at the aisle scrubber source at Freeport as follows:

- Option 1—PM limits based on the addition of a WESP downstream of the aisle scrubber to provide additional control of the combined emissions stream from the secondary capture system for the converter department² and the anode refining department (*i.e.*, the same option evaluated by the EPA

² Based on comments on the supplemental proposal, this system should be referred to as a process fugitive capture system for the Hoboken converters; we are clarifying this terminology in the final rule.

in the ample margin of safety analysis included in the January 2022 proposal);

- Option 2—PM limits based on the addition of a baghouse upstream of the aisle scrubber to provide additional control of the secondary capture system for the converter department.

III. What is included in this final rule?

This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Primary Copper Smelting major source category and amends the Primary Copper Smelting major source NESHAP, 40 CFR part 63, subpart QQQ, based on those determinations. The changes being finalized for the major sources in this action include promulgation of MACT floor-based PM limits for the anode refining department point source emissions; BTF PM limits to address process fugitive emissions from the smelting vessels, copper converter department, and anode refining roofline vents combined; MACT floor-based PM limits for new copper converter departments; MACT floor-based emission standards for previously unregulated HAP (*e.g.*, mercury, benzene, toluene, HCl, chlorine, PAH, naphthalene and D/F); and PM limits for the combined anode refining department and Hoboken converter process fugitive capture systems. This action also finalizes design standards to limit HAP metals and a BTF lead emissions limit to minimize process fugitive emissions from roofline vents for certain processes. In addition, this action finalizes work practice standards for the use of bypass stacks and revisions to the fugitive dust control plan requirements. This action also finalizes other changes to the major source NESHAP including electronic reporting requirements and the removal of SSM exemptions. This final action includes several changes to the proposed requirements in the 2022 proposal and 2023 supplemental proposal based on consideration of comments and information received during the public comment periods as described in section IV. of this preamble.

This action also finalizes the EPA's determination pursuant to the technology review provisions of CAA section 112 for the Primary Copper Smelting area source category. We determined that there are no developments in practices, processes, and control technologies that warrant revisions to the NESHAP for Primary Copper Smelting Area Sources, 40 CFR part 63, subpart EEEEE, pursuant to CAA section 112(d)(6). However, this action finalizes amendments to the area

source NESHAP to remove SSM exemptions and associated provisions and provide electronic reporting requirements.

A. What are the final rule amendments based on the risk review for the Primary Copper Smelting source category?

This section introduces the final amendments to the Primary Copper Smelting NESHAP, 40 CFR part 63, subpart QQQ, being promulgated pursuant to CAA section 112(f). The EPA is promulgating a PM emission limit (as a surrogate for HAP metals other than mercury) of 6.3 pounds per hour (lb/hour) for process fugitive emissions from roofline vents of the smelting vessels, copper converter departments, slag cleaning vessels and anode refining departments combined, at new and existing sources. This emission limit is the same as proposed in the 2023 supplemental proposal. This combined PM emission limit for process fugitive emissions from roofline vents is also being promulgated under CAA section 112(d)(2) and (d)(3) as described in section III.C. of this preamble.

B. What are the final rule amendments based on the technology review for the Primary Copper Smelting source category?

We determined that there are developments in practices, processes, and control technologies that warrant revisions to the MACT standards for this source category. Therefore, to satisfy the requirements of CAA section 112(d)(6), we are revising the MACT standards to include a combined emission standard for the anode refining department point source emissions and Hoboken converter process fugitive capture system of 4.1 milligrams per dry standard cubic meter (mg/dscm). The promulgated standard was co-proposed in the 2023 supplemental proposal as one of the two options expected to require additional controls of the combined emission streams. The promulgated standard is expected to require the installation of PM controls (such as a baghouse) to control the

emissions from the Hoboken converter process fugitive capture system before this emission stream combines with the anode refining department point source exhaust in the aisle scrubber.

We are also promulgating, as proposed in the 2022 proposal, amendments to the existing requirements for facilities to develop and implement a fugitive dust control plan pursuant to CAA section 112(d)(6) as part of technology review.

In addition, the EPA is promulgating a lead emission limit of 0.326 lb/hour under CAA section 112(d)(2) and (3) and design standards under CAA section 112(d)(6) for minimizing process fugitive emissions from any combination of roofline vents associated with the Peirce-Smith copper converter department, Inco flash furnace and the anode refining department, at new and existing sources. The design standards are being promulgated for the flash furnace area capture system, fuming ladle capture system, and the anode furnace secondary hood capture and control system to further reduce process fugitive HAP metals at facilities with a combination of the Peirce-Smith copper converter department, Inco flash furnace and the anode refining department. We note that the combined lead emission limit for reducing process fugitive emissions from roofline vents is being promulgated under CAA section 112(d)(2) and (d)(3) as described in section III.C. of this preamble. However, the design standards are being promulgated under CAA section 112(d)(6).

As part of the technology review for the major source NESHAP, we also identified regulatory gaps (previously unregulated processes or pollutants) and are establishing new standards to fill those gaps as described in section III.C. of this preamble.

C. What are the final rule amendments pursuant to CAA sections 112(d)(2) and (3) for the Primary Copper Smelting source category?

Pursuant to CAA sections 112(d)(2) and (3), we are promulgating MACT

floor limits for emissions of PM (as a surrogate for HAP metals other than mercury) from new and existing anode refining departments and new copper converter departments, which were previously unregulated sources of HAP metals. We are also promulgating, pursuant to CAA sections 112(d)(2) and (3), a BTF limit for emissions of PM (as a surrogate for HAP metals other than mercury) from new and existing sources of process fugitive emissions from the roofline vents from the smelting vessels, slag cleaning vessels, the copper converter department, and the anode refining department combined, which were previously unregulated sources of HAP metals. As described in section III.A. of this preamble, the emissions standard for new and existing sources of process fugitive gases from the roofline vents from the smelting vessels, slag cleaning vessels, the converter department, and the anode refining department is also being finalized pursuant to CAA section 112(f)(2) to address the source category unacceptable risk determination. In addition, we are also promulgating, pursuant to CAA sections 112(d)(2) and (3), a BTF lead emission limit to minimize process fugitive emissions from any combination of roofline vents associated with the Peirce-Smith copper converter department, Inco flash furnace and the anode refining department. Lastly, we are promulgating, pursuant to CAA sections 112(d)(2) and (3), MACT emission limits for mercury, benzene, toluene, HCl, chlorine, PAH excluding naphthalene, naphthalene, and D/F, all of which were previously unregulated HAP. A summary of the MACT standards promulgated pursuant to CAA sections 112(d)(2) and (3) is provided in table 1 below. For more information on these standards, including their rationale, see section IV.C. of this preamble.

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Table 1. Summary of Final MACT Standards Pursuant to CAA Sections 112(d)(2) and (3)

HAP	Source	Promulgated Standard ¹
PM	New and existing Anode Refining Department	5.8 mg/dscm
PM	New Copper Converter Department	0.031 lb/ton copper concentrate feed charged to the smelting vessel
PM	New and existing process fugitive gases from the roofline vents from the smelting vessels, slag cleaning vessels, the copper converter department, and the anode refining department	6.3 lb/hr ²
Lead	Existing process fugitive emissions from any combination of roofline vents associated with the Peirce-Smith copper converter department, Inco flash furnace and the anode refining department	0.326 lb/hr ²
Mercury	New combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessels and the smelting vessels	0.00097 lb/hr
Mercury	Existing combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessels and the smelting vessels	0.033 lb/hr
Benzene	New and existing combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessels and the smelting vessels	1.7E-03 lb/ton copper concentrate feed charged to the smelting vessel
Toluene	New and existing combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessels and the smelting vessels	8.4E-04 lb/ton copper concentrate feed charged to the smelting vessel
HCl	New and existing combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessels and the smelting vessels	1.5E-03 lb/ton copper concentrate feed charged to the smelting vessel
Chlorine	New and existing combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessels and the smelting vessels	5.4E-03 lb/ton copper concentrate feed charged to the smelting vessel
PAH (excluding Naphthalene)	New and existing combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessels and the smelting vessels	1.0E-04 lb/ton copper concentrate feed charged to the smelting vessel

Naphthalene	New and existing combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessels and the smelting vessels	2.8E-04 lb/ton copper concentrate feed charged to the smelting vessel
D/F	New and existing combination of stacks or other vents from the copper concentrate dryers, converter department, the anode refining department, slag cleaning vessels and the smelting vessels	60 ng TEQ/Mg copper concentrate feed charged to the smelting vessel

¹ We are also finalizing an additional PM emission limit pursuant to CAA section 112(d)(6) technology review; see section III.B. for details.

² Denotes BTF emission standard.

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D. What are the final rule amendments addressing emissions during periods of startup, shutdown, and malfunction?

We are finalizing the elimination of SSM exemptions and associated provisions in the Primary Copper Smelting NESHAPs (40 CFR part 63, subparts QQQ and EEEEE) as proposed in the 2022 proposal, other than clarifications and other non-substantive updates in SSM exemption removal explanation and provisions. In its 2008 decision in *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), the court vacated portions of two provisions in the EPA’s CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and (h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA’s requirement that some section 112 standards apply continuously. Consistent with *Sierra Club v. EPA*, the EPA is establishing standards in these rules that apply at all times. We have revised table 1 (the General Provisions Applicability Table) in both rules in several respects related to SSM. For example, we have eliminated the incorporation of the General Provisions requirement that the sources develop an SSM plan, changed several references related to requirements that apply during periods of SSM, and eliminated or revised certain recordkeeping and reporting requirements related to the eliminated SSM exemption. The EPA also made changes to the rules to remove or modify inappropriate, unnecessary, or redundant language in the absence of the SSM exemption. See the 2022 proposed rule for additional information on removal of SSM exemptions. In addition, for 40 CFR part

63, subpart QQQ, we are finalizing a work practice standard allowing the venting of process gases through a bypass stack during planned maintenance events under limited conditions as described in section IV.D.

E. What other changes have been made to the NESHAP?

1. Electronic Reporting

To increase the ease and efficiency of data submittal and data accessibility, the EPA is finalizing, as proposed in the 2022 proposal, a requirement that owners and operators of sources subject to the Primary Copper Smelting NESHAP for major sources (subpart QQQ) submit electronic copies of required performance test reports and performance evaluations of continuous monitoring systems (CMS) measuring relative accuracy test audit (RATA) pollutants (being finalized at 40 CFR 63.1455) through the EPA’s Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI). A description of the electronic data submission process is provided in the memorandum Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules, available in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0430-0031). The final rule requires that performance test results or performance evaluation of CMS measuring RATA pollutants collected using test methods that are supported by the EPA’s Electronic Reporting Tool (ERT) as listed on the ERT website³ at the time of the test be submitted in the format generated through the use of the ERT; or alternatively, owners or operators may submit an electronic file

³ <https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>.

consistent with the extensible markup language (XML) schema listed on the EPA’s ERT website. Other performance tests or performance evaluations of CMS measuring RATA pollutants collected using test methods that are not supported by the EPA’s ERT as listed on the EPA’s ERT website at the time of the test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA’s ERT website. The final rule also requires that notification of compliance reports be submitted as a portable document format (PDF) upload in CEDRI.

We are finalizing the electronic reporting requirements for the Primary Copper Smelting NESHAP for area sources (40 CFR part 63, subpart EEEEE) as proposed in the 2022 proposal. The electronic reporting requirements are in 40 CFR 63.11147, 63.11148, and 63.11149 of the rule, and include electronic reporting requirements for monthly emissions reports, emergency notifications, notifications of a deviation, semi-annual monitoring reports; and performance tests, where applicable.

2. Other Changes

The EPA is finalizing, as proposed in the 2022 proposal, the revision to the applicability description under § 63.1441 to clarify that the NESHAP applies to major source smelting facilities that use any type of converter, not just batch converters because the current definition limits applicability to only major sources that use batch converters. The major source NESHAP should apply to any Primary Copper major source regardless of what type of converter they use. Therefore, we are finalizing this change.

Regarding revisions to testing requirements, the Agency is finalizing, as proposed in the 2022 proposal,

revisions to the wording in § 63.1450 clarifying that facilities must test for filterable particulate, not total particulate. The test methods in § 63.1450(a) have not changed for PM from the existing regulation. The methods in the existing regulation (Methods 5, 5D, and 17) are methods for filterable PM. Total PM includes filterable PM and condensable PM. The condensable PM test method (Method 202) is not included in the existing regulation for the emission standards set in 2002. In conjunction with clarifying that facilities must test for filterable particulate, not total particulate, we are changing all instances of the wording “total particulate matter” in the current rule to “filterable particulate matter.”

The Agency is finalizing, as proposed in the 2022 proposal and 2023 supplemental proposal, the addition of appropriate test methods for PM₁₀, fugitive PM, mercury, benzene, toluene, chlorine, hydrogen chloride, PAH excluding naphthalene, naphthalene, and dioxins/furans, as well as updating test methods that are incorporated by reference because the affected facilities will need to know what test methods they need to use to demonstrate compliance with the new standards.

Finally, the EPA is finalizing, as proposed in the 2022 proposal, to revise the definitions under § 63.1459 by changing the term “smelting furnace” to “smelting vessel” to be consistent with the definition in the area source rule, 40 CFR part 63, subpart EEEEE, because we find it is appropriate that both rules include the broader definition of smelting vessel, which is already in the area source rule. The specific definition is as follows: Smelting vessel means a furnace, reactor, or other type of vessel in which copper ore concentrate and fluxes are smelted to form a molten mass of material containing copper matte and slag. Other copper-bearing materials may also be charged to the smelting vessel.

F. What are the effective and compliance dates of the standards?

For the additional MACT floor emission limits (mercury, HCl, chlorine, D/F, benzene, toluene, PAHs excluding naphthalene, and naphthalene) in 40 CFR part 63, subpart QQQ, the EPA is finalizing, as proposed in the 2023 supplemental proposal, the requirement that existing facilities must comply with these limits within 1 year after promulgation because we estimated both facilities can meet these MACT floor limits without having to install new controls. Similarly, for the new PM emission standard for anode refining point sources where the anode

emissions are not combined with Hoboken converter process fugitive capture system emissions in an aisle scrubber, the Agency is finalizing, as proposed in the 2022 proposal, the proposed requirement that existing facilities must comply within 1 year after promulgation of the final rule as major source facilities that do not combine their anode point source emissions are expected to meet the limit without additional controls. For anode refining point sources that combine their anode emissions with Hoboken converter process fugitive capture system emissions in an aisle scrubber, compliance with the anode refining point source limit will be demonstrated through compliance with the combined PM limit at the aisle scrubber outlet and its associated compliance date.

For the combined PM limit at the aisle scrubber outlet, which treats combined emissions from the Hoboken converter process fugitive capture system and anode refining point source, the EPA is finalizing that facilities must comply with this limit within 3 years after promulgation of the final rule. We are allowing up to 3 years to meet this limit as we expect facilities will need up to 3 years to design, construct and operate the necessary capture and control equipment to meet the limit.

For the combined process fugitive PM roofline emissions limit for copper converter departments, anode refining departments, slag cleaning vessels and smelting vessel roofline vents, the EPA is finalizing, as proposed in the 2023 supplemental proposal, the requirement that existing facilities comply with this limit within 2 years after promulgation of the final rule. We are allowing up to two years to meet this limit as we expect facilities will need up to 2 years to design, construct and operate the necessary capture and control equipment to meet the limit.

For the combined process fugitive lead roofline emissions limit for Peirce-Smith copper converter department, Inco flash furnace and the anode refining department roofline vents, the EPA is finalizing that facilities must comply with this limit within 3 years after promulgation of the final rule. We are allowing up to 3 years to meet this limit as we expect facilities will need up to 3 years to design, construct and operate the necessary capture and control equipment to meet the limit.

For all other changes in this action we are finalizing, as proposed, that existing facilities must comply within 180 days after promulgation of the final rule.

New sources must comply with all of the standards immediately upon the effective date of the standard, May 13,

2024, or upon startup, whichever is later.

We are also finalizing amendments to §§ 63.1442 and 63.1443 and adding a new table (table 4 to 40 CFR part 63, subpart QQQ) which provides the applicability dates for previously unregulated affected sources (*e.g.*, anode refining department, bypass stack), as well as the effective dates and compliance dates for the emission standards proposed in the 2022 proposal and 2023 supplemental proposal which are being promulgated in this final action.

IV. What is the rationale for our final decisions and amendments for the Primary Copper Smelting source category?

For each issue, this section provides a description of what we proposed and what we are finalizing for the issue, the EPA’s rationale for the final decisions and amendments, and a summary of key comments and responses. For all comments not discussed in this preamble, comment summaries and the EPA’s responses can be found in the National Emission Standards for Hazardous Air Pollutant Emissions: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review: Summary of Public Comments and Responses document, available in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0430).

A. Residual Risk Review for the Primary Copper Smelting Source Category

1. What did we propose pursuant to CAA section 112(f) for the Primary Copper Smelting source category?

Pursuant to CAA section 112(f), the EPA conducted a residual risk review and presented the results of this review, along with the proposed decisions regarding risk acceptability and ample margin of safety, in the January 11, 2022, proposed rule (87 FR 1616). In the 2022 proposed rule, the EPA determined that risks from the primary copper smelting source category were unacceptable due to HAP metal (primarily lead and arsenic) emissions. Based on new information and data received after the 2022 proposal through the comment period and issuance of a 2022 CAA section 114 information request from the Freeport facility, the EPA updated the baseline risk assessment, updated control Option 1, and added a new control Option 2 that affected the Freeport facility only. The Asarco facility has been idle since October 2019, and therefore, a section

114 information request was not issued to them. The risk results for the Asarco facility did not change in the 2023 supplemental proposal because we did not receive any new data or information after the 2022 proposal was published and before the supplemental proposal was published.

The results of the risk assessment for the 2022 proposal are described in more

detail in the Residual Risk Assessment for the Primary Copper Smelting Major Source Category in Support of the 2021 Risk and Technology Review Proposed Rule document, which is available in the docket (Docket ID No. EPA-HQ-OAR-2020-0430-0051). The results of the baseline risk assessment for the 2023 supplemental proposal are presented in table 2 and in more detail in the

residual risk document, Revised Residual Risk Assessment for the Freeport Smelter (Miami, AZ) in Support of the 2023 Supplemental Proposal for the Primary Copper Smelting Source Category, which is available in the Docket for this action (Docket ID No. EPA-HQ-OAR-2020-0430-0187).

Table 2. Primary Copper Smelting Major Source Category Inhalation Risk Assessment Results Supporting the Supplemental Proposal

Number of Facilities ¹	Maximum Individual Cancer Risk (in 1 ² million)		Estimated Population at Increased Risk of Cancer ≥ 1-in-1 Million		Estimated Annual Cancer Incidence (cases per year)		Maximum Noncancer HI and 3-month Lead Concentration (ug/m ³) ³		Maximum Screening Acute Noncancer HQ ⁴
	Actual Emissions	Allowable Emissions	Actual Emissions	Allowable Emissions	Actual Emissions	Allowable Emissions	Actual Emissions	Allowable Emissions	Actual Emissions
1	70	90	22,900	29,001	0.002	0.003	HI =1 (arsenic) developmental Pb Conc: 0.17	HI =1 (arsenic) developmental Pb Conc: 0.24	HQ (REL) = 7 (Arsenic)

¹ The Freeport facility was the only facility evaluated in this updated risk analysis.

² Maximum individual excess lifetime cancer and noncancer risk due to arsenic emissions from the source category, 71 percent from the anode refining roofline at Freeport and 23 percent from anode furnaces and converters point source emissions from the Aisle Scrubber at Freeport.

³ The modeled max 3-month off-site lead concentration is compared to the lead (Pb) National Ambient Air Quality Standards (NAAQS) standard of 0.15 ug/m³ based upon actual and allowable emissions from the source category. The Pb NAAQS standard was developed to address all exposure pathways (inhalation and ingestion).

⁴ The maximum estimated off-site acute exposure concentration was divided by available short-term dose-response values to develop an array of hazard quotient (HQ) values. The HQ value shown here is based on the lowest available acute dose-response value, which is the reference exposure level (REL). There are no other acute health benchmarks for arsenic other than the 1-hour REL.

A refined modeling analysis for the 2022 proposal was conducted at the facility with the highest annual concentration of lead, Freeport, to characterize ambient concentrations of lead for 3-month intervals. The maximum 3-month concentration was predicted for each off-site receptor. The concentrations were then compared to the Pb NAAQS of 0.15 micrograms per cubic meter (ug/m3). The maximum 3-month off-site modeled concentration was 0.17 ug/m3 for actual emissions and 0.24 ug/m3 for allowable emissions, and these results occurred near the Freeport facility. These results did not change in the 2023 supplemental proposal.

The inhalation risk assessment in the 2023 supplemental proposal estimated that the baseline cancer maximum individual risk (MIR) was 70-in-1 million for the source category based on actual emissions. The total estimated cancer incidence from the source category was 0.002 excess cancer cases per year, or one excess case every 500 years, with arsenic compounds contributing 97 percent of the cancer incidence for the source category in the 2023 supplemental proposal. Approximately 22,900 people of the 46,460 people within 50 km of the facility were estimated to have cancer risks above 1-in-1 million from HAP emitted from the source category. The

HEM-4 model predicted the maximum chronic noncancer hazard index (HI) value for the source category was 1 (developmental), with an acute non-cancer HQ value equal to 7 driven by emissions of arsenic from the anode refining roofline at Freeport and, to a lesser degree, the anode furnace point source and Hoboken converter process fugitive capture system emissions emitted through the aisle scrubber at Freeport.

The inhalation risk assessment based on MACT-allowable emissions did not change from the 2022 proposal and indicated that the cancer MIR was 90-in-1 million. The total estimated cancer incidence from the source category was

0.003 excess cancer cases per year, or one excess case every 333 years, with arsenic contributing 90 percent and cadmium contributing 8 percent of the cancer incidence for the source category. Approximately 29,001 people were estimated to have cancer risks above 1-in-1 million from exposure to HAP emissions if HAP were emitted at the levels allowed under the NESHAP as it existed prior to finalization of this regulatory action. The chronic non-cancer risks remained the same as actuals, with acute non-cancer hazards not being modeled due to the uncertainty of estimating acute impacts based upon hourly allowable emission estimates.

Regarding multipathway risk, we concluded in the 2022 proposal that there was no significant potential for multipathway health effects based upon EPA's Tier 3 screening analysis. Due to the conservative nature of the screens and the level of additional refinements that would go into a site-specific multipathway assessment, were one to be conducted, we are confident that the

HQ for ingestion exposure, specifically cadmium and mercury through fish ingestion, is less than 1. For arsenic, maximum cancer risk posed by fish ingestion would also be reduced to levels below 1-in-1 million, and maximum cancer risk under the rural gardener scenario would decrease to 20-in-1 million or less. The estimated risks for the garden scenario seem unlikely due to the arid climate of the area and the hypothetical nature of the scenario. Further details on the Tier 3 screening assessment can be found in Appendix 10–11 of *Residual Risk Assessment for the Primary Copper Smelting Major Source Category in Support of the Risk and Technology Review 2021 Proposed Rule*.

In the 2023 supplemental proposal, we estimated that the multipathway and inhalation risk results would be reduced further due to baseline arsenic emissions at proposal (2022) being lowered based upon additional data being received. We also estimated in the 2023 supplemental proposal that, although the mercury emissions increased from the 2022 proposal baseline, the mercury HQ would still be less than 1 (0.2) for the fisher scenario.

For the 2023 supplemental proposal, the Agency weighed all the health risk factors in the risk acceptability determination and proposed that the risks from the Primary Copper Smelting source category are unacceptable at baseline. To address the unacceptable risks, in the supplemental proposal, we proposed a combined PM emission limit for process fugitive emissions from

roofline vents of smelting furnaces, converters, and anode refining operations, which would significantly reduce risks. We estimated in the supplemental proposal that this combined PM limit would reduce emissions of HAP metal (primarily lead and arsenic) by 4.59 tpy. To be able to comply with the limit, we estimated that the Freeport facility would need to install controls (e.g., improved capture system, including hoods, ductwork, and fans, and one additional baghouse) to reduce process fugitive roofline emissions from the anode refining source, the main risk driver. As described in the supplemental proposal, we estimated that these controls would reduce the MIR at Freeport from 70-in-1 million to an estimated 20-in-1 million and that the acute noncancer HQ (for arsenic) would be reduced from 7 to 2 (based on actual emissions). In addition, the modeled lead concentrations would be reduced below the NAAQS. We estimated that the MIR for Asarco would remain at 60-in-1 million and would be the source category MIR after the proposed controls are applied at Freeport. In the supplemental proposal, we concluded that these risks, after implementation of proposed controls, were acceptable. We also proposed that existing facilities would need to comply within two years after promulgation of the final rule and new facilities must comply with all requirements in the final rule upon start up. We proposed that compliance would be demonstrated through an initial performance test followed by a compliance test once per year.

We then considered whether the Primary Copper Smelting NESHAP provides an ample margin of safety to protect public health and whether more stringent standards are necessary to prevent an adverse environmental effect, taking into consideration costs, energy, safety, and other relevant factors. In considering whether the standards should be tightened to provide an ample margin of safety to protect public health, we considered the same risk factors that we considered for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to emissions control options that might reduce risks associated with emissions from the source category.

As discussed in the 2023 supplemental proposal, pursuant to CAA section 112(d)(6) and to provide an ample margin of safety to protect public health pursuant to CAA section 112(f)(2), the EPA co-proposed two regulatory options for additional control of either the secondary capture system

for the converter department⁴ or additional control of the combined emissions stream of the secondary capture system for the converter department and the point source emissions from the anode refining department. For Option 1, a WESP would be located downstream of the aisle scrubber and therefore further control the combined emissions stream of the secondary capture system for the converter department and the point source emissions from the anode refining department. Under Option 2, a baghouse would be installed upstream of the aisle scrubber to provide additional control of the secondary capture system for the converter department. The EPA proposed that these control options would result in more stringent emission standards for these emission sources than were currently required in 40 CFR part 63, subpart QQQ.

In the 2022 proposal, the EPA evaluated additional work practices to reduce fugitive dust emissions, and the Agency found that the implementation of a more robust fugitive dust plan would result in an unquantified reduction of HAP, and we therefore proposed this requirement in the 2022 proposal. In the 2022 proposal, the EPA proposed that the combination of the standards for anode refining roof vents, fugitive dust plan and all other current standards in the NESHAP would ensure the NESHAP provides an ample margin of safety to protect public health.

2. How did the risk review change for the Primary Copper Smelting source category?

While reviewing the information provided during the 2023 supplemental proposal public comment period and reviewing the data provided during the section 114 process, a correction was made to the spreadsheet used to calculate the average emissions from the aisle scrubber based on stack tests provided by Freeport. The correction resulted in a slightly lower average arsenic emission rate for this source (from 0.626 tpy in the supplemental proposal to 0.563 tpy in the final rule), and therefore we re-modeled the baseline and roofline vent control scenarios as well as the two control options for the aisle scrubber. In addition to the corrected emission rate for the aisle scrubber, the EPA re-evaluated the estimated control efficiencies of the control options co-

⁴ Based on comments on the supplement proposal, this system should be referred to as a roofline capture system for the Hoboken converters; we are clarifying this terminology in the final rule.

proposed for the aisle scrubber source at Freeport based on the comments and information received on the supplemental proposal. These comments and our responses are discussed further in section IV.A.3. of this preamble.

As discussed in the memorandum *Cost Estimates for Additional Controls of Freeport's Aisle Scrubber—REVISED*, which is available in the docket for this action, and as further discussed in section IV.B. of this preamble, we updated the control efficiency estimates for the aisle scrubber control options. In the 2023 supplemental proposal, we estimated that under Option 1, installing a WESP downstream of the aisle scrubber would achieve 95 percent control efficiency, and we estimated 6.3 tpy metal HAP reductions. Based on the comments received from Freeport regarding the technical feasibility of controlling the high-volume aisle scrubber exhaust stream using a WESP and our evaluation of those comments, we updated the estimated control efficiency for the WESP option to 73 percent, and we now estimate 4.9 tpy metal HAP reduced. In the 2023 supplemental proposal, we estimated that under Option 2 (Baghouse option), installing a baghouse upstream of the aisle scrubber to control the Hoboken converter process fugitive capture

system gas stream for the copper converter department would reduce metal HAP emissions by 4.5 tpy. Note that in the supplemental proposal, we referred to the process fugitive capture system as a “secondary” capture system. However, Freeport commented that the capture system is better characterized as a tertiary capture system. Therefore, for the remainder of this preamble, we refer to this capture system as the Hoboken converter process fugitive capture system. Furthermore, based on comments received from Freeport in response to the 2023 supplemental proposal regarding the technical feasibility of controlling the high-volume Hoboken converter process fugitive capture system using a baghouse and our evaluation of those comments, we now estimate the baghouse will achieve 61 percent control efficiency of the Hoboken converter process fugitive capture system gas stream, and using the same assumption that this gas stream contributes 75 percent to the aisle scrubber, we estimate that HAP metals will be reduced under this option by 3.0 tpy (which represents an overall control efficiency of 46 percent for the aisle scrubber). Therefore, the modeling conducted in support of the final rule was updated to reflect these new control efficiencies. The results of the updated

modeling for the aisle scrubber control options, in addition to our consideration of public comment on this issue, resulted in a change to what we proposed for ample margin of safety. The details of what we are finalizing for the ample margin of safety analysis are in section IV.A.3. of this preamble. The details of what we are promulgating for the aisle scrubber source are in section IV.B.3.

With the exception of the revised emissions described above, the risk assessment supporting the final rule was conducted in the same manner, using the same models and methods, as that conducted for the supplemental proposal. The documentation for the final rule risk assessment can be found in the memorandum titled *Freeport Baseline and Control Options Re-model Risk Analysis Memo*, which is available in the docket for this rulemaking.

Inhalation Risk Assessment Results.

Table 3 presents the updated summary of the inhalation risk assessment results based on the updated modeling supporting the final rule. The results are very similar to those of the 2023 supplemental proposal. The only changes are to the number of people at increased risk of cancer greater than or equal to 1-in-1 million.

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Table 3. Comparison of the Primary Copper Smelting Baseline Inhalation Risk Assessment Results for Freeport with Post-Control Risk Estimates for the Final Rule Control Options

Estimated Risks Based on Actual Emissions							
Risk Assessment Scenario ¹	Maximum Individual Cancer Risk (in-1 million)	Population at Increased Risk of Cancer $\geq$ 1-in-1 million	Annual Cancer Incidence (cases per year)	Maximum Chronic Noncancer TOSHI ²	Maximum Residential Annual Pb Conc. ($\mu\text{g}/\text{m}^3$) ³	Max Predicted 3month Modeled Pb Conc. ($\mu\text{g}/\text{m}^3$) ⁴	Acute HQ (REL) ⁵
Final Rule (revised baseline)	70 (As)	21,875	0.002	1 (As)	0.12	0.17 (Pb)	7 (As)
Final Rule Post-Control for Anode Roofline	20 (As)	16,962	0.001	0.3 (As)	0.041	0.06 (Pb)	2 (As)
Final Rule Post-Control Option 1 for Aisle Scrubber ⁶	20 (As)	15,648	0.0007	0.3 (As)	0.0295	0.04 (Pb)	1 (As)
Final Rule Post-Control Option 2 for Aisle Scrubber ⁷	20 (As)	16,035	0.0008	0.3 (As)	0.0329	0.05 (Pb)	1 (As)

¹ All values provided in this table are based upon only arsenic and lead emissions from Freeport (Miami, AZ). ² Target organ-specific hazard index (TOSHI) value for developmental effects does not include contribution from lead. A TOSHI could not be calculated due to differences in exposure duration for the arsenic and lead benchmarks.

³ The maximum annual concentration for lead is based upon the MIR location which is also the maximum off-site exposure location for Freeport.

⁴ The maximum predicted 3-month Pb (lead) conc based on actual emissions at the time of proposal was based on AERMOD modeling with LEAD_POST, while the maximum predicted 3-month Pb conc for the supplemental proposal are based upon extrapolations of the HEM-4 annual Pb concentrations using the annual and 3-month modeled results from proposal. These values are compared to the lead NAAQS ($0.15 \mu\text{g}/\text{m}^3$) to determine whether there are risk concerns for lead.

⁵ The HQ values are based upon the lowest 1-hour acute health benchmark, the REL for arsenic. Arsenic also has an AEGL-2 value (irreversible or escape-impairing effects) which resulted in a maximum HQ value of 0.0006 based upon actual emissions estimated in this supplemental proposal.

⁶ Option 1 represents controls on anode roofline (described in section IV.A. of this preamble) +WESP on aisle scrubber (described in section IV.A. of this preamble).

⁷ Option 2 represents controls on anode roofline (described in section IV.A of this preamble) + baghouse upstream of aisle scrubber (described in section IV.A. of this preamble).

3. What key comments did we receive on the risk review, and what are our responses?

We received comments regarding the risk assessment for the Primary Copper Smelting source category. The following is a summary of some of the more significant comments and our responses to those comments. Other comments received and our responses to those comments can be found in the

document titled *National Emission Standards for Hazardous Air Pollutant Emissions: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review: Summary of Public Comments and Responses*, available in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0430).

Comment: In response to the EPA's request for comment on our ample

margin of safety analysis in the 2022 proposal, in which we discussed and sought comment on but decided not to propose additional controls for the aisle scrubber, specifically a WESP, one commenter stated that they agreed with our decision. The commenter suggested that the aisle scrubber should be subject to a concentration-based filterable particulate matter (fPM) limit of 23 mg/dscm similar to other vents processing emissions from the vessels managing

molten material, and that the existing MACT floor emissions from the aisle scrubber do not significantly contribute to the estimated risks from metal HAP. Other commenters supported our consideration of additional controls for the aisle scrubber. In the 2023 supplemental proposal, we discussed another ample margin of safety analysis in which we co-proposed two possible control options for the aisle scrubber, a WESP downstream of the aisle scrubber or a baghouse upstream of the aisle scrubber. One commenter expressed support for the additional controls on the aisle scrubber and for the associated reduction to risk. Several commenters stated the proposed options do not meet the requirements for ample margin of safety, which according to the commenters must be cost effective, feasible, and provide meaningful improvement in risk to public health. One of the commenters explained that the two metrics for evaluating risk reduction are based on the MIR cancer risk and the noncancer HQ. Concerning these control options, the commenters asserted the MIR is unchanged when reducing to significant digits and that it remains at 20-in-1 million after accounting for the associated reductions. One commenter noted that these MIR values consider expected reductions from other risk-based standards in the 2022 proposal and 2023 supplemental proposal (e.g., the process fugitive roofline vent standard). One of the commenters took issue with the standard being applied only to the Freeport facility. The commenter contended that the roofline controls to achieve acceptable risk leave the MIR for the other major source copper smelter (Asarco) “untouched” at 60-in-1 million, asserting that this is “unfair, arbitrary and capricious, and unsupported by the record.” While the EPA estimated the HQ would drop from 2 to 1 for both options in the 2023 proposed rule, the commenter argued that the acute arsenic HQ value is based on a poorly documented and outdated study, and that more recent studies have failed to demonstrate the developmental impact which is at the foundation of the EPA’s HQ assessment. The commenters added that the EPA has accepted much higher HQ values for arsenic in other rules (e.g., Integrated Iron and Steel Manufacturing NESHAP 85 FR 42074, 42083; Primary Aluminum Reduction Plants NESHAP 80 FR 62390, 62398). The commenters also noted that emission reductions were overestimated by the EPA and resulted in overstated reductions to risk.

Response: The finding of unacceptable risks is not based on any one risk metric (e.g., acute hazard quotients), but rather considering all health information available and the degree of uncertainty associated with that information. In the 2015 final rule for Primary Aluminum (Docket ID No. EPA–HQ–OAR–2011–0797), EPA weighed all health risk factors and uncertainties in the risk acceptability determination for the Prebake ovens subcategory. The current acute methodology, while similar between the two rules, is still considered a screening assessment. While the chronic cancer risks for both source categories were comparable, the acute screening methodologies differ and must be weighted in regard to the accuracy and uncertainty of each piece of information in a weight-of-evidence approach for each decision. This relevant body of information is growing fast (and will likely continue to grow even faster), necessitating a flexible weight-of-evidence approach that acknowledges both complexity and uncertainty in the simplest and most transparent way possible. The acute screening risks posed by arsenic are based upon the most up to date review of the REL by EPA and considered the best available benchmark for assessing current risks posed by this pollutant. The application of the acute benchmarks when paired with our acute methodology to assess “reasonable worst-case one-hour concentrations (i.e., 99th percentile)” for off-site locations where people maybe present provides a realistic estimate or screen for short-term exposures while we consider EPA’s chronic assessment for this source category to be a refined site-specific assessment.

Based on comments and information provided during the comment period, we have updated the estimated control efficiency for both options co-proposed in the 2023 supplemental proposal, and therefore the final rule expected emission reductions are less than those proposed in the 2023 supplemental proposal. We have taken this and all comments into consideration and determined that it is necessary to promulgate a PM emission limit for the combined emissions from the anode refining point source and the Hoboken converter process fugitive capture system pursuant to CAA section 112(d)(6) but not pursuant to CAA section 112(f)(2) because after further consideration and comparison to other source categories, in this specific case, we agree with the commenter that the risk reductions are minimal and that

these controls are not necessary to ensure the NESHAP provides an ample margin of safety pursuant to CAA section 112(f). Given the space and infrastructure issues and challenges and effort needed to construct and operate such a new control system at Freeport, we conclude that the facility will likely need up to 3 years to demonstrate compliance with the new standards, which are described in more detail in section IV.B. of this preamble. Given the factors described above, we are finalizing Option 2, with a revised PM emission standard of 4.1 mg/dscm, under the CAA section 112(d)(6) technology review because we conclude that this option represents a development in technologies, processes or practices pursuant to section 112(d)(6). As described in more detail in section IV.B. of this preamble, the baghouse technology to reduce metal HAP emissions at the aisle scrubber identified in the 2023 supplemental proposal is feasible, readily available and already in use at primary copper smelting facilities (including Freeport) as well as in use at facilities in other source categories. We are allowing up to 3 years to comply with this standard because we conclude the facility will need up to 3 years to plan, design, install and operate new controls to reduce emissions from the aisle scrubber. The rationale for our decision to promulgate a standard under CAA 112(d)(6) is described further in section IV.B. of this preamble.

4. What is the rationale for our final approach and final decisions for the risk review?

The EPA sets standards under CAA section 112(f)(2) using “a two-step standard-setting approach, with an analytical first step to determine an ‘acceptable risk’ that considers all health information, including risk estimation uncertainty and includes a presumptive limit on MIR of approximately 1-in-10 thousand.⁵ If risks are unacceptable, the EPA must determine the emissions standards necessary to reduce risk to an acceptable level without considering costs. A second step follows in which the actual standard is set at a level that provides ‘an ample margin of safety’ in consideration of all health information, including the number of persons at risk levels higher than approximately 1-in-1 million, as well as other relevant factors including costs and economic impacts, technological feasibility, and other

⁵ 1-in-10 thousand is equivalent to 100-in-1 million. The EPA currently describes cancer risks as ‘n-in-1 million.’

factors relevant to each particular decision.” As discussed in more detail in the 2022 proposal and in the Benzene NESHAP, there is flexibility regarding factors the EPA may consider in making determinations and how the EPA may weigh those factors for each source category. The EPA conducts a risk assessment that provides estimates of the MIR posed by emissions of HAP that are carcinogens from each source in the source category, the HI for chronic exposures to HAP with the potential to cause noncancer health effects, the HQ for acute exposures to HAP with the potential to cause noncancer health effects,⁶ and to assess risks for lead, the EPA compares ambient air concentrations with the lead NAAQS, which is 0.15 µg/m³ based on 3-month rolling averages. The assessment also provides estimates of the distribution of cancer risk within the exposed populations, cancer incidence, and an evaluation of the potential for an adverse environmental effect. (54 FR 38045, September 14, 1989) As discussed in the 2022 proposed rule, the scope of the EPA’s risk analysis is consistent with the explanation in EPA’s response to comments on our policy under the Benzene NESHAP (54 FR 38057) summarized hereafter: In summary, the EPA’s policy permits consideration of multiple measures of health risk including, but not limited to, the MIR, the presence of non-cancer health effects, and the uncertainties of the risk estimates such that these factors can then be weighed in each individual case. The EPA’s policy, as discussed in the Benzene NESHAP response to comments, also complies with the Congressional intent behind the CAA.

Thus, the level of the MIR is only one factor to be weighed in determining acceptability of risk. The Benzene NESHAP explained that “an MIR of approximately one in 10 thousand should ordinarily be the upper end of the range of acceptability. As risks increase above this benchmark, they become presumptively less acceptable under CAA section 112, and would be weighed with the other health risk measures and information in making an overall judgment on acceptability. Or, the Agency may find, in a particular case, that a risk that includes an MIR less than the presumptively acceptable level is unacceptable in the light of other health risk factors.” Id. at 38045.

⁶ The MIR is defined as the cancer risk associated with a lifetime of exposure at the highest concentration of HAP where people are likely to live. The HQ is the ratio of the potential HAP exposure concentration to the noncancer dose-response value; the HI is the sum of HQs for HAP that affect the same target organ or organ system.

In other words, risks that include an MIR above 100-in-1 million may be determined to be acceptable, and risks with an MIR below that level may be determined to be unacceptable, depending on all of the available health information.

a. Acceptability Determination

In this final rule, as in the 2023 supplemental proposal and in the 2022 proposal, the EPA concludes that the baseline risks are unacceptable. This determination, as described in the 2022 proposal and the 2023 supplemental proposal, is largely based on the estimated exceedance of the lead NAAQS, along with the maximum acute HQ of 7 for arsenic, which indicate there are significant risks of acute noncancer health effects—especially for children, infants, and developing fetuses, all of whom are particularly vulnerable to chemical exposures as they undergo key developmental processes. Also contributing to this determination, although to a lesser extent, are the inhalation cancer MIRs due to arsenic, with an estimated MIR of 70-in-1 million for actual emissions and 90-in-1 million for allowable emissions, which are approaching the presumptive level of unacceptability of 100-in-1 million.

b. What is EPA requiring in the final rule to address the unacceptable risk?

To address the unacceptable risk, the Agency is promulgating a combined PM emission limit (as a surrogate for HAP metals other than mercury) for process fugitive emissions from roofline vents of a combination of smelting vessels, copper converter departments, slag cleaning vessels and anode refining departments at new and existing sources as proposed in the 2023 supplemental proposal. We are also finalizing the PM emission standard pursuant to CAA section 112(d)(2) and (d)(3) as discussed further in section IV.C. of this preamble. We are also finalizing, as proposed, that compliance would be demonstrated through an initial performance test followed by a compliance test once per year.

c. Remaining Risks After Implementation of the Requirements To Address Unacceptable Risk

To determine the remaining risks after implementation of the new combined PM emission limit to control process fugitive emissions from the roofline vents, we conducted a post-control risk assessment. As described in section IV.A.2., the baseline emissions for the aisle scrubber source at Freeport were corrected and the baseline modeling

was conducted again for the final rule along with the roofline vents control option. The revised baseline modeling results, as discussed in section IV.A.2., did not result in any change to the acceptability determination or to the main risk driver under section 112(f) of the CAA. More details on the modeling for the final rule are in the memorandum *Freeport Baseline and Control Options Re-model Risk Analysis Memo*, found in the docket for this action. More details on the modeling analysis for the 2023 supplemental proposal are described in the document *Revised Residual Risk Assessment for the Freeport Smelter (Miami, AZ) in Support of the 2023 Supplemental Proposal for the Primary Copper Smelting Source Category*, available in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0430-0187).

The post-control modeled risks were updated as described in the memorandum *Freeport Baseline and Control Options Re-model Risk Analysis Memo*, available in the docket for this rule (Docket ID No. EPA-HQ-OAR-2020-0430). The risk assessment after implementing the PM limit for process fugitive emission from roof vents as discussed in this section of this preamble indicates that the modeled lead concentrations would be reduced to 0.06 µg/m³, which is below the NAAQS of 0.15 µg/m³. The MIR at Freeport is reduced from 70-in-1 million to 20-in-1 million and the population with cancer risks greater than or equal to 1-in-1 million is reduced from 21,875 to 16,035. We estimate that at Freeport the maximum chronic noncancer inhalation TOSHI will be reduced from 1 to less than 1 (0.3), and the acute HQ will be reduced from a value of 7 to 2. We estimate that the source category MIR after implementation of the PM limit for process fugitive emissions from roofline vents will be 60-in-1 million, which is the maximum baseline cancer risk near the Asarco facility. We expect that Asarco can comply with the PM standard for process fugitive emissions from roofline vents without additional controls, and therefore it will not achieve emission reductions at Asarco as a result of this PM limit. However, as described in sections III.B. and III.C., and IV.B. and IV.C. of this preamble, we are finalizing a lead limit under CAA sections 112(d)(2) and (3) and design standards under our CAA section 112(d)(6) technology review, respectively, that will achieve reductions of HAP metal emissions at Asarco. We note that the facility already has plans to implement improvements (consistent with the design standards in

this final rule) that will reduce their process fugitive emissions of metal HAP as well as SO₂ emissions. In fact, these improvements have been adopted into their most recent state operating permit (finalized in October 2023). As mentioned elsewhere in this preamble, Asarco is currently not operating. However, we expect that these improvement projects will likely reduce the MIR when Asarco returns to operating status.

Based on the post-control risk assessment, we conclude that, after the requirements described in this preamble to address unacceptable risk are implemented, the risks to public health will be reduced to an acceptable level.

d. Ample Margin of Safety Analysis

Under the ample margin of safety analysis, we again considered all of the health factors evaluated in the acceptability determination and evaluated the cost and feasibility of available control technologies and other measures (including the controls, measures, and costs reviewed under the technology review) that could be applied to further reduce the risks due to emission of HAP identified in our risk assessment.

While the additional controls for the combined gas stream from the anode refining department and the Hoboken converter process fugitive capture system identified under the technology review will provide some additional risk reduction, in this case the additional risk reduction is minimal (for example, no change in the cancer MIR of 20-in-1 million), and therefore we are not finalizing this emission standard to provide an ample margin of safety. We conclude that the standards we are finalizing to achieve acceptable risk will also provide an ample margin of safety to protect public health and that, as proposed, a more stringent standard is not necessary to prevent an adverse environmental effect in accordance with CAA section 112(f)(2).

B. Technology Review for the Primary Copper Smelting Source Category

1. What did we propose pursuant to CAA section 112(d)(6) for the Primary Copper Smelting source category?

In the 2022 proposal, as part of our ample margin of safety analysis and technology review, we considered additional controls for the Freeport aisle scrubber which was the second highest contributor to the baseline risks, estimated to represent 23 percent of the MIR. We estimated emission reductions and costs for controlling the combined emissions stream of the anode refining

department and Hoboken converter process fugitive capture system (i.e., the aisle scrubber) with a WESP. We also estimated the impacts on risk reductions of these additional controls. The Agency sought comment on this control option but did not propose it in the 2022 proposal. We received comments on the control option for the aisle scrubber as well as additional information from the Freeport facility in response to the EPA's 2022 section 114 information request.

Subsequently, in the 2023 supplemental proposal, based on the comments on the 2022 proposal and the new information from the section 114 information request, the EPA co-proposed regulatory options for additional control of either the Hoboken converter process fugitive capture system or additional control of the combined emissions stream of the Hoboken converter process fugitive capture system and the anode refining department (i.e., aisle scrubber). These standards were proposed as technology developments pursuant to CAA section 112(d)(6) and to provide an ample margin of safety to protect public health pursuant to CAA section 112(f)(2). As described in the 2023 supplemental proposal, the first option (hereafter referred to as Option 1) was the addition of a WESP downstream of the aisle scrubber providing additional control of the combined emissions stream from the Hoboken converter process fugitive capture system and the anode refining department point source (i.e., the same option evaluated by the EPA in our ample margin of safety analysis included in the 2022 proposal). The second option (hereafter referred to as Option 2) was the addition of a baghouse upstream of the aisle scrubber providing additional control of the Hoboken converter process fugitive capture system. As noted in the 2023 supplemental proposal, using performance test data from Freeport we estimated the baseline emissions for the aisle scrubber to be 6.63 tpy metal HAP. We also used these test data as the basis to establish an emissions limit along with an estimate of the expected reductions that would be achieved with the additional controls (i.e., a new baghouse up-stream of current Aisle scrubber or a WESP after the Aisle scrubber). To do this, we first used the data to develop the 99 percent upper prediction limit (UPL). The 99 percent UPL for the combined emissions stream from the anode refining department and the Hoboken converter process fugitive capture system is 7.48 mg/dscm. This UPL served as the baseline for the

development of the potential emission standards for each option. Secondly, the UPL value was adjusted (decreased) based on the expected percent reduction that would be achieved by each option. Finally, we estimated costs and risk reductions for each control option. A summary of the options as presented in the 2023 supplemental proposal is included here for reference. Because we proposed these standards under both the technology review authority of CAA section 112(d)(6) and the risk review authority of CAA section 112(f)(2), we estimated risk reductions associated with each of the options consistent with a CAA section 112(f)(2) ample margin of safety analysis and our summary that follows includes those results even though the risk results would not typically be part of the analysis to support a CAA section 112(d)(6) technology review. The summary of the risk reductions presented are the incremental changes attributed to the control option after considering the effects of the implementation of the other risk-based standards in this rulemaking (i.e., the process fugitive roofline vent standards).

For Option 1, we estimated that the control technology could achieve 95 percent emissions reduction which was estimated to be 6.3 tpy metal HAP. The emission limit for this option was 0.374 mg/dscm. The estimated costs were \$98.5 million capital costs, \$25.2 million total annualized costs, and a cost effectiveness of \$4.0 million/ton metal HAP. Risks would be reduced below 1-in-1 million for an additional 1,900 people (the number of people with risk greater than 1-in-1 million would be reduced from 17,400 to 15,500). The maximum acute HQ due to arsenic emissions would be reduced from 2 to 1. The MIR at Freeport (20-in-1 million) and for the source category (60-in-1 million) would be unchanged by this control option.

For Option 2, we estimated that the control technology could achieve 90 percent reduction of the Hoboken converter process fugitive capture system emissions (or 68 percent reduction of the aisle scrubber emissions overall) which was estimated to be 4.5 tpy metal HAP. The emission limit for this option was 2.43 mg/dscm. The estimated costs were \$37 million capital costs, \$6.2 million total annualized costs, and a cost effectiveness of \$1.38 million/ton metal HAP. Risks would be reduced below 1-in-1 million for an additional 700 people (the number of people with risk greater than 1-in-1 million would be reduced from 17,400 to 16,700). The maximum acute HQ due to arsenic

emissions would be reduced from 2 to 1. The MIR at Freeport (20-in-1 million) and for the source category (60-in-1 million) would be unchanged by this control option.

The Agency also proposed, in the 2022 proposal, additional work practices to reduce fugitive dust emissions and development of a fugitive dust control plan that must be reviewed, updated (if necessary), and approved by the Administrator or delegated permitting authority. We proposed these requirements in order to provide an ample margin of safety under CAA section 112(f)(2) and as a development in practices pursuant to CAA section 112(d)(6).

With regard to the emission sources at the area source primary copper smelting facility, including sources of fugitive dust emissions, the Agency did not identify any developments in practices, processes, or control technologies. For more details, refer to the document *Technology Review for the Primary Copper Smelting Source Category*, which is available in Docket ID No. EPA-HQ-OAR-2020-0430.

2. How did the technology review change for the Primary Copper Smelting major source category?

Based on comments received during the comment period for the 2023 supplemental proposal, as discussed in more detail in section IV.B.3. of this preamble, we revised our expected emission reductions and control costs for the aisle scrubber control options. A detailed description of the emission reduction estimates and cost estimates associated with these options is provided in the memorandum *Cost Estimates for Additional Controls of Freeport's Aisle Scrubber—REVISED*, which is available in the docket for this rulemaking.

Specifically, for Option 1, we now estimate the control efficiency as 73 percent and estimate emissions reductions of 4.9 tpy metal HAP. We did not amend our cost estimates for this option from those presented in the 2023 supplemental proposal. So, combining our revision to the estimated emission reductions with the costs presented in the 2023 supplemental proposal yields a revised cost effectiveness value of \$5.2 million/ton HAP metal. We received additional information from Freeport regarding the costs for site preparation well after the close of the public comment period in a letter dated January 29, 2024, which is available in the docket. In this letter, Freeport estimated costs to demolish and relocate part of the aisle scrubber motor control center (MCC) room, a parking and

storage area, and part of the converter maintenance building in order to install a WESP. They estimated these site preparation costs to be \$9.2M in capital. As noted above, we received this information about four months after the close of the comment period. Furthermore, the letter did not provide sufficient details to determine the validity of the estimate. Therefore we have not included it in our cost estimates. However, we note that if we did include these costs, the total capital costs would be \$108M, the annualized costs would be \$26M, and the cost effectiveness would be slightly higher at \$5.4M/ton of HAP metal reduced.

For Option 2, we now estimate the baghouse will achieve 61 percent control efficiency of the Hoboken converter process fugitive capture system gas stream and estimate emissions reductions of 3.0 tpy metal HAP (which represents an overall control efficiency of 46 percent for the aisle scrubber). We also revised our cost estimates for Option 2. The revised cost estimates provide a total capital investment of \$59.5 million, total annualized costs of \$10.8 million and a cost effectiveness of \$3.6 million/ton HAP metal. As noted above under Option 1, we received additional information from Freeport, well after the close of the comment period, regarding costs for site preparation in the area where a baghouse would be installed. They estimated it would cost \$5.2M to demolish and relocate the anode baghouse MCC room, storage bunkers, and demolition and rerouting of the aisle scrubber piping that is currently located in the area where they estimate the baghouse would be installed. As stated under Option 1, we have not included this cost in our estimates because we received this information well after the close of the comment period and we have insufficient details to evaluate its validity. However, we note that if we did include their estimate for site preparation, the total capital investment would increase to \$64.8M, with total annualized costs of \$11.5M and a slightly higher cost effectiveness of \$3.8M/ton HAP metal reduced.

In addition, we received new information regarding the Asarco facility since publication of the 2023 supplemental proposal. Asarco is located in the Hayden area of Gila and Pinal Counties in Arizona and is the primary source of lead emissions in this area. As discussed in the 2022 proposed rule, the Hayden area is currently designated as nonattainment for the 2010, 1-hour primary SO₂ NAAQS and 2008 lead NAAQS. There have been

various regulatory actions to reduce emissions in this area and at the Asarco facility including, but not limited to, a consent decree between EPA and Asarco to bring the facility into compliance with the NESHAP by December 2018 and revisions to the state implementation plan (SIP) to help achieve attainment of the lead NAAQS by October 2019. However, effective March 2, 2022, the EPA determined that the Hayden lead nonattainment area failed to attain the 2008 lead primary and secondary lead NAAQS and the 2010 1-hour primary SO₂ NAAQS (87 FR 4805, January 31, 2022) by the applicable date of October 3, 2019. As a result, the State of Arizona is required to submit revisions of the SIP to EPA. As part of this process, EPA Region 9 staff informed the EPA Office of Air Quality Planning and Standards staff in October 2023 of several projects that Asarco has planned as part of the most recent SIP revisions and that ADEQ has adopted into Appendix A of Asarco's operating permit (October 3, 2023), which is available in the docket for this action. The projects include engineering controls and work practices which Asarco estimates will reduce fugitive metal HAP emissions at the facility. The projects that are in Asarco's operating permit include the following:

- *Flash Furnace Control System*: This project involves installing and ventilating a partial enclosure around the Inco flash furnace uptake shaft to improve the capture of process fugitives.
- *Fuming Ladle Capture System*: This project involves the construction of a hood and retaining walls to improve capture of process fugitives from fuming ladles.
- *Anode Furnace Secondary Hood Capture and Control System*: This project involves the construction of secondary hoods to improve capture and then ducts the emissions to a planned new anode secondary hood baghouse.

These projects will help ensure that process fugitive metal HAP roofline emissions would be reduced and will ensure that the roofline emissions at Asarco can meet a lead limit of 0.326 lb/hour, which is based on modeling demonstration submitted by the facility to the state in support of a revision to the lead SIP. We expect no additional costs to comply with the lead limit other than compliance testing costs. The lead limit is further discussed in section IV.C.2.

3. What key comments did we receive on the technology review, and what are our responses?

Comment: Commenters objected to the EPA's change in position in the supplemental proposal about using a WESP to control aisle scrubber emissions. The commenters stated that the EPA rejected the technology in the 2022 proposal yet co-proposed it as an option in the 2023 supplemental proposal. Commenters stated that in the 2022 proposal, the EPA concluded with regards to using a WESP to control aisle scrubber emissions that "[g]iven the relatively high estimated capital costs, uncertainties, and moderate risk reductions . . . the Agency is not proposing these additional controls" under the ample margin of safety analysis. Yet in the supplemental proposal the EPA stated the "cost impacts" of \$4.0 million/ton metal HAP for a WESP are "reasonable." The commenters point out the new cost effectiveness in the supplemental is more than 2 times the cost effectiveness that the EPA considered excessive for a WESP in the 2022 proposal, and that it far exceeds the precedent set in the recent Coke Oven proposed NESHAP revisions, where the agency found that \$1.3 million/ton is the reasonable upper threshold of cost effectiveness for nonmercury metal HAP.

In addition to objecting to the EPA's change of position on using a WESP, another commenter stated that the EPA overestimated the achievable removal efficiency for a WESP in the dilute, high volume gas stream at the aisle scrubber. The commenter asserted that the actual removal efficiency would be 60 percent, rather than the 95 percent estimated by the EPA. The commenter performed their own estimate of emission reductions and cost and estimated a cost effectiveness of \$6.3 million/ton HAP metal. Other commenters expressed support for using a WESP to control aisle scrubber emissions as it would reduce metal emissions from the converter department and the anode refining department. The commenter stated that while the EPA does not express a preference for either the WESP or baghouse option, the WESP-based limit is consistent with the Clean Air Act, while the baghouse-based limit is not. Clean Air Act section 112(d)(2) expressly provides that the EPA's air toxics standards must require the "maximum" reduction that is "achievable" considering cost and other statutory factors. As such, both proposed limits are achievable considering cost and other statutory factors, however, the "maximum"

degree of reduction that is achievable is the one provided by the WESP-based limit. The commenter also noted the WESP-based limit would yield substantially greater reductions in metal HAP emissions (6.3 tpy as opposed to 4.5 tpy from the baghouse-based limit) and would reduce cancer risk below 1-in-1 million for 1,900 people, whereas the baghouse-based limit would reduce cancer risk below 1-in-1 million for only 700 people. Another commenter added that emissions from smelters are virtually certain to increase in the future as the demand for copper increases, which means that the difference in reductions in using a WESP versus a baghouse will also increase. The commenter stated that the cost effectiveness "of the WESP option will increase relative to the baghouse option, therefore, the EPA should issue a strong limit based on the reductions that are achievable with a WESP." Several commenters stated that the San Carlos Apache Tribe is directly impacted by both major source smelters, and emissions of lead and arsenic are of particular concern due to their persistent and bioaccumulative nature. The same commenters stated their support for the WESP option to achieve maximum emission reductions. These commenters also claimed that EPA underestimated the emissions of lead and other pollutants from the copper smelters based on a comparison to Toxics Release Inventory (TRI) data. One commenter provided TRI estimates for lead from the Freeport smelter, stating "In 2020, for example, the Freeport smelter alone reported emitting more than 14 tons of lead. In 2019, it reported emitting 21 tons of lead and, in 2018, it reported emitting more than 29 tons of lead . . .".

Response: In the 2022 proposal, we stated that we were not proposing the WESP control option at that time, however we solicited comments regarding our analysis and whether we should establish more stringent standards to reduce HAP metal emissions from the aisle scrubber. We also subsequently requested in a 2022 section 114 information request that the Freeport facility perform feasibility analyses for additional control of the aisle scrubber. In response to the 2022 proposal, we received comment that we should establish more stringent standards to reduce HAP metal from the aisle scrubber. Therefore, we used the new information collected during the comment period and from Freeport's response to the CAA section 114 information request to develop the

WESP and baghouse options presented in the 2023 supplemental proposal.

Based on comments we received on the 2023 supplemental proposal, we also revised our emission reductions estimates for the WESP. As described in the 2023 supplemental proposal, the expected control efficiency for the WESP was 95 percent, however, we acknowledge that a number of factors can affect control efficiency, including the particulate concentration of the inlet stream to the control device. The aisle scrubber handles a high volume of gas (flowrate of approximately 1 million actual cubic feet per minute) and low particulate loading relative to the flowrate. We agree with commenters that the low concentration of particulate in the exhaust stream of the aisle scrubber, which would be the inlet to the WESP, may present technical feasibility issues in achieving a 95 percent reduction. Therefore, we updated our estimates of emission reductions. As detailed in the technical memorandum *Cost Estimates for Additional Controls of Freeport's Aisle Scrubber—REVISED*, which is available in the docket for this rulemaking, we back-calculated the control efficiency of the WESP by assuming the aisle scrubber exhaust particulate would be reduced to 1 milligram per cubic meter (mg/m³) by the WESP, which is an assumed minimum outlet concentration for this control technology. Based on this back-calculation, the resulting control efficiency of the WESP is 73 percent. Applying this revised control efficiency to the baseline emissions for the aisle scrubber (6.63 tpy metal HAP) yields an estimated reduction of 4.9 tpy metal HAP. We did not receive information during the 2023 supplemental proposal comment period on our total annualized costs for the WESP option. Therefore, when we combine the revised emission reductions (4.9 tpy metal HAP) with the total annualized costs (\$25.2 million) presented in the 2023 supplemental proposal for the WESP option, the cost effectiveness is \$5.2 million/ton HAP metal.

As described in this final rule preamble, we have concluded that, after taking public comment into consideration and making the appropriate revisions to our estimates, the costs for Option 1 are not reasonable. For this reason and others discussed in this preamble, we are not promulgating the WESP option.

In regard to comments on Tribal impacts and their concerns about lead and arsenic, the EPA recognizes the concerns of Tribal commenters and their representatives and we have taken their

comments into consideration in this action. With regard to impacts, although the EPA determined that risks due to HAP emissions are unacceptable at baseline for populations living close to the Freeport facility, the EPA's risk assessment completed for this source category indicates that health risks due to HAP emissions from primary copper smelting sources on Tribal lands, which are further away (about 10 miles from the facility) are well within acceptability at baseline. After the amendments in this final rule are implemented, the NESHAP will provide an ample margin of safety for all populations, including the San Carlos Apache Tribe. More information regarding the estimated health risks due to lead and arsenic emissions to humans at baseline (due to current emissions) and post-control (due to emissions after the amendments in this action are implemented) are described in sections III.A. and IV.A. of this preamble, and the estimated impacts to various demographic groups are described in section V.F. of this preamble. More details of the risk assessment are available in the document titled *Residual Risk Assessment for the Primary Copper Smelting Major Source Category in Support of the 2021 Risk and Technology Review Proposed Rule*, which is available in the docket.

Regarding the comments supporting the addition of WESP to control HAP metal emissions, for the reasons described elsewhere in this preamble, we are not promulgating the WESP option and are promulgating the baghouse option for the aisle scrubber. We estimate that the amendments in the final rule will reduce total metal HAP emissions (primarily lead and arsenic) by 8 tpy for the major source category.

Regarding the TRI emissions estimates provided by the commenter compared to our estimates, we estimate that the two major source facilities currently emit a total of 16.7 tpy of metal HAP (the majority of these emissions are from Freeport). We estimated these emissions primarily using test data provided by the facility for the sources subject to the Primary Copper Smelting major source NESHAP. The TRI is a "whole facility" inventory, which means that it includes estimates of stack and fugitive air emissions for all HAPs that are emitted at the facility which also include emissions from non-source category processes. Our emission estimates include those applicable to the primary copper smelting source category only. However, as noted in previous paragraph, this final rule will achieve an estimated reduction of 8 tpy of HAP metals, therefore after these

amendments to the NESHAP are implemented, total estimated emissions will be about 8.7 tpy for the major source category.

Comment: Commenters stated that the EPA erroneously describes their facility's converters as having "primary and secondary capture systems and controls, but no tertiary controls." According to the commenter, Hoboken converters use a side-flue intake capture system, and the roofline canopy system (installed in 2017 as part of facility-wide improvements to ensure the Miami area's compliance with revised standards for SO₂) is properly described as a tertiary capture system. Therefore, the commenter noted that the proposed standards would not appropriately apply to the converters at their facility as they do not have "secondary capture systems."

Response: We have corrected the characterization of the capture and control systems for converters at the Freeport facility in the preamble and regulatory text associated with the final rule.

Comment: Several commenters asserted that the aisle scrubber standards are not justified pursuant to section 112(d)(6). The commenters argued that the EPA has not identified any "developments in practice, processes or control technologies" since the original publication of the Primary Copper Smelting NESHAP that would justify additional controls on the aisle scrubber. Commenters noted that the EPA cites section 112(d)(6) to claim that "developments" warrant the imposition of new controls, but the EPA fails to recognize that section 112(d)(6) only authorizes revisions that are "necessary." The commenter asserted the word "necessary" cannot be ignored, and that it clearly requires some showing of necessity beyond the identification of "developments" because the mere existence of a development does not make it "necessary." According to commenters, the fact that the term "developments" is found only in a parenthetical confirms it is merely one component of the analysis that ultimately must conclude a revision to a standard is "necessary," a showing that the EPA has not made here.

Response: We disagree that, in this case, additional controls to reduce emissions at the aisle scrubber are not necessary. The aisle scrubber stack was identified in the 2022 proposal as one of the largest sources of metal HAP emissions at Freeport. We currently estimate it emits 6.63 tpy of HAP metals (primarily lead and arsenic). The aisle scrubber is a control device that is

mainly used to control SO₂ emissions. This device controls emissions from the anode refining point source and emissions from the Hoboken converter process fugitive capture system. The anode refining point source gas stream passes through a PM control device (*i.e.*, a baghouse) before entering the aisle scrubber for SO₂ control, but the converter process fugitive capture system is ducted directly to the aisle scrubber without PM control prior to the aisle scrubber. We identified and proposed in the 2023 supplemental proposal 2 options to reduce metal HAP emissions from the aisle scrubber stack at Freeport. Our analysis shows that the technologies to reduce metal HAP emissions at the aisle scrubber identified in the 2023 supplemental proposal are readily available and already in use at primary copper smelting facilities (including Freeport) as well as in use at facilities in other source categories. This is especially true for baghouses. Regarding the WESP, although this technology has been applied at some emissions points at these facilities and other metals sectors (*e.g.*, Secondary Lead Smelters), we are not aware of the WESP being successfully applied to emissions sources similar to the aisle scrubber. Specifically, the aisle scrubber has a very high flow rate and low concentration of PM compared to other point source emissions sources where the WESP has been applied.

Another factor we considered in our decision is that the Asarco facility has a secondary hood capture system to collect secondary emissions from their Peirce-Smith converters and that secondary hood capture system is vented to a baghouse for PM control (which also controls metal HAP emissions). We find these PM controls are especially important for lead and arsenic because these two pollutants are persistent, bioaccumulative and highly toxic HAPs.

Given all of this information, we conclude that additional PM controls are necessary to further reduce metal HAP at the aisle scrubber source, and that the baghouse technology that we proposed in the 2023 supplemental proposal (*i.e.*, Option 2 in the supplemental proposed rule) represents a development that will further reduce metal HAP emissions at Freeport. The baghouse is a common, well demonstrated technology used to control PM emissions from various industrial emissions sources.

Comment: One commenter was supportive of the baghouse option despite expressing a preference for the WESP option.

Other commenters were opposed to the baghouse option. These commenters noted that the cost effectiveness of this option exceeds the threshold for cost effectiveness for nonmercury metal HAP despite being underestimated. Commenters stated that the EPA overstated emission reductions and underestimated costs by about a factor of 2.

Commenters asserted that the EPA overstated the emission reductions from this option. One commenter explained that due to the high volume of the exhaust stream and the low particulate concentration in the exhaust stream (estimated to be on the order of 0.001 gr/ft³), control efficiency is expected to be closer to 50 percent, rather than the 90 percent used by the EPA. The commenter explained this is because they are not aware of any vendor guarantee of a minimum exhaust concentration of 0.0001 gr/ft³ which would be required to achieve 90 percent control.

Commenters provided their own estimate of the baghouse costs of \$70–88 million and noted that the discrepancy between their estimate and the EPA's estimate in the supplemental proposal (which differed by about a factor of 2) can be attributed to: under sizing and, thus, underestimating costs for ductwork; using a shaker instead of more modern pulse jet style baghouse; using too small of a scaling factor to size the baghouse; underestimating the cost of the lime injection system; omitting indirect costs (e.g., freight, spare parts, engineering procurement and construction management services, equipment rental); and omitting contingency which the commenter included at a value of 25 percent. Using their own emission reduction estimates of 2.5 tpy HAP metal and total annualized cost estimates ranging from \$12.7M to \$14.5M (with 25 percent contingency included), commenters estimated the cost effectiveness value for this option as being between \$4.8 to \$5.8 million/ton HAP.

Response: As described in the previous comment response, we conclude that additional PM controls are necessary to further reduce metal HAP at the aisle scrubber source, and that the baghouse technology represents a development that will further reduce metal HAP emissions at Freeport. To inform our decision under the technology review, we evaluated the types of technology used in the industry and other source categories. We found that baghouse technology is readily available, feasible, well demonstrated and is being used to control a similar source at the other major source primary

copper smelter in this source category. However, we have revised our emission reductions estimates and our cost estimates for this option after considering the comments.

As described in the 2023 supplemental proposal, for a baghouse we generally expect achievable control efficiencies to be at least 90 percent. We acknowledge that a number of factors can affect the control efficiency, including the particulate concentration of the inlet stream to the control device. Based on the engineering evaluation provided by Freeport in their 2022 section 114 information collection request response, the Hoboken converter process fugitive capture system has a high flowrate and low particulate loading relative to the flowrate. We agree with commenters that the expected concentration of particulate in the inlet stream may present technical feasibility issues achieving a 90 percent reduction. Therefore, we updated our estimates of emission reductions.

First, we note that through CAA section 114 information requests for other EPA rules (e.g., electric arc furnaces (EAF), foundries), we have collected data demonstrating that baghouses achieve average particulate outlet concentrations below 0.001 grains per dry standard cubic feet (gr/dscf). We found that baghouses with similar flowrates to those expected for the Hoboken process fugitive capture system in the EAF source category achieve, on average, outlet concentrations of filterable particulate of 0.0006 gr/dscf with a range of 0.0001 to 0.0017 gr/dscf. For foundries, there were 2 facilities that were used to set the new source standard which had average PM emissions of 0.0002 gr/dscf and a high value of 0.0004 gr/dscf. The other had an average of 0.0008 gr/dscf and a high value of 0.00086 gr/dscf. Considering this information and the information provided in Freeport's engineering evaluation for the Hoboken converter process fugitive capture system, we back-calculated the control efficiency of the baghouse assuming that the Hoboken converter process fugitive capture system particulate would be reduced to 0.0005 gr/dscf which is an assumed achievable outlet concentration for this control option when estimating the control efficiency. The expected baghouse flowrate was taken from the Freeport engineering analysis, and the particulate loading was assumed to be 75 percent of the aisle scrubber outlet. The resulting control efficiency is 61 percent. Applying this revised control efficiency to the baseline emissions for the Hoboken converter process fugitive

capture system (assumed to be 75 percent of the aisle scrubber or 4.97 tpy metal HAP) yields an estimated reduction of 3.0 tpy metal HAP. The expected reduction is 46 percent of the aisle scrubber emissions overall, after the Hoboken converter process fugitive capture system baghouse stream combines with the controlled anode refining department stream in the aisle scrubber.

Next, concerning costs, we have updated our cost estimates after considering the comments. We revised the estimated costs for total capital investment to include those costs provided by the commenter for equipment supply. We utilized the EPA cost control manual to estimate all indirect costs including contingency in accordance with section 6, Chapter 1—Baghouses and Filters. The revised cost estimates provide a total capital investment of \$59.5 million and total annualized costs of \$10.8 million. Using our emission reduction estimate and the total annualized cost estimate, the cost effectiveness is \$3.6 million/ton metal HAP reduced.

While this cost effectiveness is higher than we have accepted in the past for reducing metal HAP in some standards, there are other relevant factors that EPA can consider, and has considered. The highest cost effectiveness accepted in the past was \$1.5M/ton of metal HAP in 2009 dollars (which is about \$2M/ton of metal HAP in 2022 dollars) in the Secondary Lead Smelting NESHAP (77 FR 556, January 5, 2012). However, it is important to note that EPA considers other factors besides cost-effectiveness when considering requirements under the technology reviews, such as feasibility of controls, how well certain controls have been demonstrated, and overall economic impacts. In this case, as described previously in this section, we determined that baghouse technology is readily available, feasible, well demonstrated and is being used to control a similar source at the other major source primary copper smelter in this source category. Furthermore, in this specific case, we have collectively considered the significant emission reductions of persistent, bioaccumulative, and toxic (PBT) HAPs (primarily lead and arsenic, which are both PBT HAPs), non-air environmental impacts, feasibility concerns, and the costs of each of the options. We note that lead and arsenic are known developmental toxicants that can cause particular harm to infants, children, and the developing fetus. Furthermore, arsenic is classified as a human carcinogen by the EPA and the World Health Organization. In addition, we do

not expect that the overall economic impacts of this rule will lead to significant changes in domestic copper production; the market price for commercial grade copper or any products comprised of copper inputs; or employment, as described in section V.D. of this preamble. This rationale and these considerations are discussed in more detail in section IV.B.4. of this preamble.

The details of our emission reduction estimates and cost estimates have been provided in the technical memorandum *Cost Estimates for Additional Controls of Freeport's Aisle Scrubber—REVISED*, which is available in the docket for this rulemaking.

4. What is the rationale for our final approach for the technology review?

As noted in section IV.A. of this preamble, we updated our risk modeling based on the revisions to the expected emission reductions for each of the options proposed in the 2023 supplemental proposal. We conclude that, in this case, the risk reductions achieved are not sufficient to promulgate this standard (*i.e.*, the PM limit for the Aisle scrubber described previously in this section) pursuant to CAA section 112(f); however, we continue to maintain that baghouses are proven technologies for achieving high degrees of particulate control. We also find that additional controls on similar exhaust streams are used in the source category. As discussed in section IV.B.3. of this preamble, the aisle scrubber stack is one of the largest sources of metal HAP emissions at Freeport. We estimate it emits 6.63 tpy of HAP metals (primarily lead and arsenic). The aisle scrubber is a control device that is mainly used to control SO₂ emissions from the anode refining point source and from the Hoboken converter process fugitive capture system. While the anode refining point source gases are vented to a PM control device before entering the aisle scrubber, the gas stream from the Hoboken converter process fugitive capture system vents directly to the aisle scrubber without prior PM control. We conclude that further reduction of metal HAP emissions from the aisle scrubber are necessary and that there are developments in practices, processes, or control technologies that will achieve further reductions of metal HAP emissions at Freeport. The PM controls on this source are especially important for reducing lead and arsenic because these two pollutants are PBT HAPs.

To inform our decision under the technology review, we evaluated the types of technology used in the industry

and in other source categories to control PM emissions. As discussed in this preamble, we proposed two options in the 2023 supplemental proposal: Option 1 evaluated a tighter PM limit based on the application of a WESP downstream of the aisle scrubber and Option 2 evaluated a tighter PM limit based on using baghouse technology upstream of the aisle scrubber. We next analyzed the technical feasibility, estimated costs, and non-air environmental impacts for each option. As described in section IV.B.3. of this preamble, we are not aware of a WESP (Option 1) being successfully applied to emissions sources similar to the aisle scrubber, which has a very high flow rate and low concentration of PM compared to other point source emissions sources where the WESP has been applied. As described previously in this preamble, we determined that baghouse technology (Option 2) is readily available, feasible, and is being used to control a similar source at the other major source copper smelter in this source category.

With regard to feasibility, the Freeport facility property does not extend far beyond its core manufacturing operations and is bordered on one side by a railroad track; therefore, space to install large equipment such as that required in either option is limited. In their feasibility analysis for these control options, Freeport explained that Option 1 requires a larger footprint than Option 2. We also considered the secondary impacts of the two control options and found that Option 1 would require the use of significant amounts of water, which is of particular concern because the facility is located in an arid climate where water resources are limited.

As is permitted under CAA section 112(d)(6), we also considered the costs of each option. The cost estimates for the WESP option include a total capital investment of \$98.5M and total annualized costs of \$25.2M. With an estimated reduction of 4.9 tpy of total metal HAP emissions, we estimate the cost effectiveness of installing a WESP is \$5.2M/ton of HAP metal reduced. We have updated our cost and emission reduction estimates for the baghouse option after considering the comments as described in section IV.B.3. The revised cost estimates include a total capital investment of \$59.5 million and total annualized costs of \$10.8 million. Using our emission reduction estimate of 3.0 tpy and the total annualized cost estimate, the cost effectiveness is \$3.6 million/ton metal HAP reduced for the baghouse option (Option 2).

In collectively considering the emission reductions, secondary impacts, feasibility concerns, and the costs of each of the options, we find that Option 2 provides sizeable reductions of HAP metals, including two highly toxic persistent bioaccumulative HAPs (*i.e.*, lead and arsenic) at reasonable costs while minimizing secondary impacts and feasibility concerns. Therefore, taking into consideration the comments and other information and data as well as the other factors discussed in this preamble, we are promulgating a PM standard of 4.1 mg/dscm for the combined emissions stream from the Hoboken converter process fugitive capture system and the anode refining department (*i.e.*, the aisle scrubber) pursuant to CAA section 112(d)(6). We estimate this will reduce HAP metal emissions by 3.0 tpy.

A detailed description on the development of this emission standard is provided in the memorandum *Final Emission Standard Development* for the Aisle Scrubber, which is available in the docket for this rulemaking.

In the 2022 proposal, additional work practice standards to minimize fugitive dust and development of a fugitive dust control plan that must be reviewed, updated (if necessary), and approved by the Administrator or delegated permitting authority were proposed. These standards were proposed in order to provide an ample margin of safety to protect public health and pursuant to CAA section 112(d)(6). In this specific case, for the Primary Copper Smelting source category, we have decided to promulgate the additional work practices to minimize fugitive dust and the development of a fugitive dust control plan under only the technology review. The work practices and dust plan requirements are the same as proposed in the 2022 proposal. The fugitive dust plan and work practices are appropriate under CAA section 112(d)(6) because they are practices that will ensure emissions will be minimized. It is our understanding that the facilities are already doing these types of practices so, although these measures are anticipated to further address fugitive emissions and advance the goal of minimizing HAP metal emissions, we are unable to quantify and assure significant enough reductions in actual emissions that would significantly reduce health risk; therefore, we are not promulgating under CAA 112(f) in this particular case. We expect that since facilities are already implementing most of the additional work practices as part of requirements in the facility's operating permit or to comply with consent

decree, there will be minimal additional costs to comply with the final rule work practices and fugitive dust plan requirements. The only additional costs would be a slight increase related to recordkeeping and reporting requirements. For details on the work practices see the 2022 proposal preamble (87 FR 1616).

As noted in section IV.A.3., one of the commenters took issue with the aisle scrubber standard being applied only to the Freeport facility when their post-roofline control MIR is 20-in-1 million. They stated that roofline controls to achieve acceptable risk leave the MIR for the other major source copper smelter (Asarco) “untouched” at 60-in-1 million, asserting this is “unfair, arbitrary and capricious, and unsupported by the record.” After considering this comment, our prior proposals, and the information in the record, we evaluated options under CAA section 112(d)(6) and 112(d)(2) and (3) to reduce process fugitive emissions from Asarco. In the 2022 proposal, we solicited comment on a BTF limit to control process fugitives from the flash furnace roofline vent to reduce risk at Asarco. We estimated that to comply with a BTF limit, the facility would need to install improved capture and control of the flash furnaces as well as the large ladle containing hot liquid matte from the flash furnace tapping/pouring operations, called the fuming ladle. In our cost estimates, we assumed a new baghouse would be needed as well as a roofline ventilation capture system. We did not receive comments on this specific BTF standard or our cost estimation. However, as noted above in this paragraph, we did receive the general comment that said our proposal would do nothing to reduce the MIR of 60-in-1 million at Asarco.

Nevertheless, as described in section IV.B.2., we received new information regarding developments in technology (3 projects to reduce process fugitive emissions from roof vents) currently planned for the Asarco facility (and have been incorporated into their state permit and draft SIP), which are estimated to achieve a 30 percent reduction in process fugitive metal HAP emissions from the roofline vents. We have reviewed this information and agree that these developments will reduce fugitive metal HAP emissions. We estimate, based on the roofline vent metal HAP emissions estimates we had for the 2022 proposal and applying a 30 percent reduction, that the total process fugitive metal HAP emissions (including lead and arsenic, which are persistent, bioaccumulative HAPs) from the roofline will be reduced by 0.39 tpy.

These estimates are available in the docket for this action (see memorandum *Cost Estimates for Enhanced Capture and Control of Process Fugitive Emissions at Asarco*). We expect that the reductions in process fugitive metal HAP emissions will also reduce risk; however, we have not yet quantified this risk reduction because the facility is not currently operating and their future operational emission profile may be different than what we have modeled in support of the 2022 proposed rule. Furthermore, we received this information regarding the three projects well after the end of the comment period and therefore we did not have sufficient time to remodel and calculate the risk reductions that will be achieved.

With regard to cost impacts, we estimate that for the facility to comply with these design standards (and comply with the lead limit, promulgated under CAA section 112(d)(2) and (3), which is discussed in section IV.C.2. of this preamble), the facility will need to install improved capture and control consistent with what is expected under the state permit and SIP. As mentioned in section IV.B. of this preamble, the improvements needed to comply with the design standards and emissions limit are already adopted into the facility’s operating permit and therefore costs impacts are already expected regardless of the requirements we are including in this final rule. However, since the facility has not yet begun construction for these improvements, we estimated costs for these projects as part of this action. We estimate that the total costs for complying with the design standards and lead emission limit are \$15.4M in capital costs and \$3.9M in annualized costs. Asarco provided estimated costs for these projects in a letter provided on February 26, 2024, which is available in the docket for this action. They estimate total capital costs of \$22.4M and \$5.8M in annualized costs for all three projects. Given the late submittal and the court-ordered promulgation deadline of May 2, 2024, we did not have sufficient time to review these estimates and determine their validity. However, we note again that the projects are already requirements in their operating permit and the facility is already expecting to incur these costs unrelated to the NESHAP. More details on the estimated costs are found in the memorandum *Cost Estimates for Enhanced Capture and Control of Process Fugitive Emissions at Asarco*, which is available in the docket for this action. To achieve reduction of HAP metals at Asarco, we

are finalizing design standards consistent with their 2023 operating permit which include improved capture and control of the Peirce-Smith flash furnaces, fuming ladles, and anode furnaces.

C. CAA Sections 112(d)(2) and (3) Revisions for the Primary Copper Smelting Source Category

1. Anode Refining Point Source Emissions

a. What did we propose for the anode refining point source pursuant to CAA section 112(d)(2) and (d)(3)?

We proposed a MACT floor PM limit as a surrogate for metal HAP in 40 CFR 63.1444(i) (finalized at 40 CFR 63.1444(f) for new and existing anode refining departments in the 2022 proposal. The MACT floor emissions standard for new and existing sources, 5.78 mg/dscm, was developed based on the 99 percent UPL for PM emissions from the available emissions data (which was from Asarco) and represents the MACT floor level of control. We considered beyond-the-floor options for the standard, but we did not identify any feasible, cost-effective beyond-the-floor options. It should be noted that at the Freeport facility, the anode refining department gas stream and the Hoboken converter process fugitive capture system exhaust stream are both routed to and combined in the aisle scrubber from which they are emitted to the atmosphere. The facility conducts performance tests after the anode refining department stream is combined with the Hoboken converter process fugitive capture system exhaust stream (*i.e.*, at the aisle scrubber outlet). Therefore, the EPA also proposed amendments to the existing alternative emission limit in 40 CFR 63.1446 to include the anode refining department stream, as we expected Freeport would be able to use this option to demonstrate compliance with the anode refining department emission limit at the aisle scrubber outlet. Lastly, we proposed in 40 CFR 63.1451(a) and 63.1453(a), respectively, that compliance with the PM emissions limit for the anode refining department will be demonstrated through an initial performance test followed by a compliance test at least once per year.

b. How did the anode refining point source revisions made pursuant to CAA section 112(d)(2) and (3) change since proposal?

There are no changes to the emission standard for the anode refining point source since the proposals, except that we rounded the 5.78 mg/dscm to 2

significant figures (*i.e.*, 5.8 mg/dscm). We are promulgating the MACT floor-based PM emission standard of 5.8 mg/dscm for the anode refining department point source emissions (*i.e.*, emissions exiting the anode baghouse) and related compliance requirements, as proposed in the 2022 proposal. However, because Freeport combines their anode refining point source emissions with the fugitive capture system from the Hoboken converters, we are also finalizing, as proposed, to include the anode refining department point source emissions as an emission source to be included in the alternative emission limit calculation for the combined stream.

Additionally, in the final rule based on comments, we are also providing that facilities that combine the anode refining department and Hoboken converter process fugitive capture system streams must comply with the combined stream PM limit of 4.1 mg/dscm and related compliance requirements to demonstrate compliance with the anode refining department emission standard and related compliance requirements. As discussed in section IV.B. of this preamble and pursuant to CAA section 112 (d)(6), we are finalizing a PM emission standard of 4.1 mg/dscm for the combined stream of the anode refining department and Hoboken converter process fugitive capture system and an annual compliance testing requirement.

c. What key comments did we receive on the proposed anode refining point source revisions made pursuant to CAA section 112(d)(2) and (3) and what are our responses?

Comment: One commenter stated that the EPA should set the PM MACT floor based on a concentration limit of 23 mg/dscm, which is an existing technology-based limit for similar emission points in the current NESHAP rather than the 99 percent UPL emission standard developed using only data from Asarco. The commenter explained that this limit should be applied at their aisle scrubber stack, which is the emission point for emissions from their Hoboken converter process fugitive capture system and their anode refining department, thus each affected source would be subject to the same 23 mg/dscm limit. The commenter added that the EPA does not have sufficient data to set a mass rate for the anode refining department MACT floor since the only data used to set the limit are from Asarco, which does not reflect the operating performance of their anode refining department and does not reflect the best 5 sources as is required by the EPA's procedure for

source categories with less than 30 sources. The commenter explained that they cannot provide performance tests of their anode refining department emissions using EPA methods because of the duct configuration of the baghouse controlling these emissions. However, in their comment letter they submitted an engineering evaluation which characterized the flowrate and particulate emissions for the anode refining department's baghouse. The engineering evaluation was not conducted following EPA methods. The commenter used the data from the engineering evaluation with the data the EPA used in the development of the 99 percent UPL (*i.e.*, Asarco's data) to estimate a revised MACT standard, 7.3 mg/dscm. The commenter stated that the purpose of the recalculation of the MACT standard was to demonstrate their argument that more data collection is necessary to support the development of a representative MACT standard for the anode refining department.

Response: First, as described in the preamble of the 2022 proposal, the emission standard for the anode refining point source was proposed pursuant to CAA section 112(d)(2) and (3). This standard is not being proposed pursuant to CAA section 112(d)(6). The 1998 proposal for primary copper smelting identified the anode refining department in the definition of primary copper smelters; however, the EPA did not have sufficient data at the time to set a standard for this emission source. In contrast, in the 2007 area source NESHAP for primary copper smelting, data were available to set an emissions standard for the anode refining department. With the recently acquired Asarco data, we now have sufficient data to develop a MACT floor emission standard for the anode refining point source at major sources. The Asarco data includes 9 data points, which exceeds the minimum sample size of 3 data points necessary to develop a MACT floor. Therefore, we disagree that we have insufficient data to develop the emission standard. We also do not find the data included in Freeport's engineering evaluation appropriate to include in the MACT floor dataset since these data were not collected following EPA methods. In regard to the comment that the MACT floor limit does not reflect the best 5 sources, there are only two major sources in this category, and as stated, only one of these major sources had valid data from an anode refining department. We used all available valid data from the best performing sources for which the EPA could reasonably obtain emissions

information in the category, which is in accordance with CAA section 112 (d)(3)(B).

Comment: One commenter explained that the configuration of their anode refining department baghouse makes the proposed test methods infeasible. The commenter stated that the anode refining department exhaust at their facility is controlled by a baghouse, which is ducted to the aisle scrubber where it combines with exhaust from the facility's Hoboken converter process fugitive capture system. The point of emission for their anode refining department exhaust is the outlet of the aisle scrubber. The commenter stated implementing the alternative emission limit option to comply with the anode refining limit (as proposed by the EPA) is not feasible due to the inability to measure flowrate using EPA Method 1 in the duct between the baghouse outlet and aisle scrubber inlet. The commenter explained the ductwork does not have enough straight passes to measure flowrate according to EPA Method 1.

Response: Based on reviewing information submitted by the commenter and observations made by the EPA during a November 7, 2023, site visit to the facility, the EPA agrees that there is currently no viable testing location for flowrates using EPA Method 1 from the anode refining department baghouse to the aisle scrubber. In light of this new information, we agree that the use of the alternative emission limit is not an option for demonstrating compliance with the anode refining department for this facility. However, this alternative emission limit procedure may be appropriate at a new facility; thus, we are finalizing the proposed amendment to add the anode refining department to the list of emission sources which could be included in the emission alternative limit calculation option. However, as discussed elsewhere, we are promulgating a limit for the combined stream of the anode refining department and Hoboken converter process fugitive capture system (*i.e.*, the Freeport aisle scrubber). Based on the data provided by the Freeport facility in their section 114 information request response, an estimated 75 percent of the particulate emissions emitted from the aisle scrubber are from the Hoboken converter process fugitive capture system while the remaining 25 percent are from the anode refining baghouse. The emission standard for the combined stream of the anode refining department and Hoboken converter process fugitive capture system based on 61 percent control of the emissions by a baghouse controlling the emissions from the

Hoboken converter process fugitive capture system is 4.1 mg/dscm. The emission standard for the combined stream of the anode refining department and Hoboken converter process fugitive capture system is more stringent than the anode refining department emission standard alone (5.8 mg/dscm).

Therefore, we are finalizing that compliance with the emission standard for the combined stream of the anode refining department and Hoboken converter process fugitive capture system demonstrates compliance with the anode refining department emission standard.

Comment: One commenter stated that in the 2022 proposal the EPA proposed a new MACT floor limit for the anode refining department. The commenter requested clarification if the PM limits for the aisle scrubber in the 2023 supplemental proposal replace the anode refining department limit in the 2022 proposal (because their anode refining department baghouse vents to the aisle scrubber), or if the EPA intends to retain the separate anode baghouse requirement.

Response: As described in section IV.B. of this preamble, we are promulgating a particulate emission limit for the combined stream of the anode refining department and the Hoboken converter process fugitive capture system (*i.e.*, aisle scrubber) as proposed in the 2023 supplemental proposal, as well as an independent anode refining department emission limit as proposed in the 2022 proposal. Compliance with the anode refining department emission limit will be demonstrated by complying with the appropriate limit, *i.e.*, if there is a combined emission stream then the affected source will comply with the combined emission standard, or if the anode refining department is independent (*i.e.*, not combined with other emission streams), then the affected source will comply with the independent limit for anode refining department.

d. What is the rationale for our final approach and final decisions for the anode refining point source revisions made pursuant to CAA section 112(d)(2) and (3)?

As discussed in the 2022 proposal preamble, the 1998 proposal for primary copper smelting major sources identified anode refining in the definition of primary copper smelters. However, at that time, the EPA did not have sufficient data to set an emission limit for anode refining, and therefore did not propose specific emission standards for anode refining operations

in the major source NESHAP. The 2007 area source NESHAP includes emission standards for anode refining operations at area sources. Therefore, in the 2022 proposal, we concluded that anode refining is part of the source category and emits HAP emissions. In the 2022 proposal, we considered a BTF option, but did not consider going BTF in this case due to cost effectiveness. Pursuant to section 112(d)(2) and (3), we are finalizing, as proposed in the 2022 proposal, a MACT floor PM limit of 5.8 mg/dscm as a surrogate for metal HAP for new and existing anode refining departments. We are finalizing, as proposed, that compliance with the PM emissions limit for the anode refining department will be demonstrated through an initial performance test followed by a compliance test at least once per year. We are also finalizing to include the anode refining department as an emission source to be included in the alternative emission limit calculation for new facilities.

Based on the comments received on the 2022 proposal and the 2023 supplemental proposal and on information collected during a November 7, 2023, site visit to the Freeport facility, we are promulgating that compliance with the combined emission standard of 4.1 mg/dscm, for the combination of anode refining department emissions and Hoboken converter process fugitive capture system emissions (being promulgated under CAA section 112(d)(6) as described in section IV.B. of this preamble) will demonstrate compliance with the anode refining MACT floor PM limit. Under section 112(d)(6), we are finalizing initial and continuous compliance requirements for the combined emission standard including initial and subsequent annual performance testing. The combined standard and associated compliance requirements will ensure that affected sources can demonstrate compliance with the rule requirements.

2. Process Fugitive Emissions From Roofline Vents

a. What did we propose for process fugitive emissions from roofline vents pursuant to CAA section 112(d)(2) and (d)(3)?

As noted previously in the preamble for this final rule, the standards and associated compliance requirements for the process fugitive emissions from roofline vents source are being finalized pursuant CAA section 112(f)(2) to address unacceptable risk for the source category as well as pursuant to CAA section 112(d)(2) and (3). As proposed

in the 2022 proposal and the 2023 supplemental proposal, we are promulgating the same emission standard to reduce risk to a level that would be considered acceptable and to satisfy the requirements of CAA section 112(d)(2) and (3). As discussed in the context of risk in section IV.A. of the preamble for this final rule, we proposed emission standards for the process fugitive emissions from roofline vents. In the 2022 proposal, we proposed separate standards for each roofline vent (*i.e.*, smelting vessels, copper converter department, and anode refining department) based on emissions data received from the Freeport facility. We performed a BTF analysis for additional controls of each roofline vent and concluded in the 2022 proposal that a BTF standard was appropriate for the anode refining process fugitive roofline vent while MACT floor standards were appropriate for the smelting and copper converter roofline vents.

During the comment period for the 2022 proposal, we received additional test data of the roofline vents from the Freeport facility. We received comments from both facilities in the major source category requesting that the roofline vent be a combined limit because there is comingling of emissions in the building where the processes are located. We received significant comment regarding the proposed test methods for demonstrating compliance with the roofline vent emission standards. We also received comments on our cost estimates for the BTF control option of the anode refining roofline vent.

In the 2023 supplemental proposal, we proposed a combined limit. The combined limit was calculated using the 99 percent UPL methodology. Specifically, for calculating the combined emission limit, we first determined the 99 percent UPL of the combined emission rates based on all test data now available for filterable PM. We then determined the average fraction of emissions which are attributable to the anode refining roof vent (72 percent). Then we adjusted the anode refining roof vent's portion of the 99 percent UPL by reducing that portion of the value by 90 percent. We also adjusted our costs in response to public comments on the proposed option to reflect the design requirements at the Freeport facility primarily by increasing the baghouse flowrate, lowering the air to cloth ratio and adding a lime injection system. The revised capital costs were \$10.2 million and annualized costs were \$2.14 million. The baghouse is expected to achieve 4.59 tpy reduction of lead and arsenic with a cost

effectiveness of \$467,000/ton metal HAP.

In addition, in the 2022 proposal we solicited comment on a lead limit for the roofline vents in addition to, or instead of, the PM limit for the anode refining roof vents. The agency considered a possible lead limit of 0.26 lb/hr as a potential BTF MACT limit for anode refining process fugitive emissions.

b. How did the requirements for process fugitive emissions from roofline vents proposed pursuant to CAA section 112(d)(2) and (3) change since proposal?

As discussed in this preamble, we are promulgating the combined BTF PM limit of 6.3 lb/hour for the roofline vents as proposed in the 2023 supplemental proposal. The BTF control cost estimates were updated to incorporate the most current bank prime interest rate resulting in a small increase in total annualized costs which are now estimated as \$2.30 million with a resulting cost effectiveness of \$500,000/ton metal HAP with 4.6 tpy (rounded from 4.59 tpy) reduction of lead and arsenic. The revised cost estimates are documented in the memorandum *Cost Estimates for Enhanced Capture and Control of Process Fugitive Emissions from the Anode Refining Operations at Freeport—REVISED*, which is available in the docket for this rulemaking. The cost estimates were otherwise unchanged and the adjustments do not change our conclusions about the necessity of promulgating the BTF standard. However, we received significant comment on the proposed compliance test methods. To address some of the concerns raised by the commenters, we are promulgating revised methods and allowing the use of Federal reference method (FRM) and Federal equivalent method (FEM) monitors as discussed in section IV.C.2.c.

We are promulgating a lead emission limit of 0.326 lb/hour for minimizing process fugitive emissions from any combination of roofline vents associated with the Peirce-Smith copper converter department, Inco flash furnace and the anode refining department, at existing sources. This emissions limit reflects the estimated reductions that will be achieved by the design standards described in section IV.B. We are also finalizing that facilities must demonstrate compliance with this emission limit once per year. We note that Peirce-Smith converters are batch converters and the NESHAP prohibits the use of batch converters for new sources. Therefore, this lead limit is not relevant for new sources.

c. What key comments did we receive on the proposed requirements for process fugitive emissions from roofline vents pursuant to CAA section 112(d)(2) and (3) and what are our responses?

Comment: Numerous comments were received on the proposed test methods for measuring PM at roof vents, which include EPA Test Methods 1, 2/2F/2G, 3/3A/3B, 4, 5D and Oregon Method 8. Most comments were that the proposed test methods are not suited for testing PM from roof vents; that MiniVol portable samplers should be used for sampling PM at the roof vents instead of the proposed test methods; and that the proposed test methods are unsafe to conduct at rooflines.

Commenters discussed the lack of isokinetic conditions at the roofline, which they stated inhibits the use of Method 1. For example, a commenter explained that Method 1 provides two alternative procedures: a “simplified procedure,” and an “alternative procedure.” Citing section 1.2 of the method, the commenter stated the simplified procedure “cannot be used when the measurement site is less than 2 stack or duct diameters or less than a half diameter upstream from a flow disturbance.” The commenter stated that neither stack diameters nor duct diameters can be defined for the smelter facilities’ roofline vents, within the meaning and purposes of section 1.2. With regards to the alternative procedure, the commenter stated this procedure depends on the ability to develop representative pitch and yaw angles of the gas flow to be sampled, based on directional flow-sensing probe measurements of pitch and yaw angles at forty or more traverse points within the flow. The commenter stated this procedure is not possible to perform at the smelter facilities’ roofline vents because fugitive emissions at the vents occur at a variety of angles that are constantly changing due to ambient winds.

Another commenter discussed the lack of isokinetic conditions at the roofline and referenced a feasibility study (EPA-HQ-OAR-2020-0430-0062) that concluded that the roofline vents at the Miami smelter cannot meet the minimum methods of Method 1, including either the simplified procedure or alternative procedure. The commenter stated that if Method 1 cannot be utilized effectively at the 2 facilities subject to the major source rule, the rule is not practical to implement or enforce.

A commenter discussed in depth the limitations of Method 5D, stating that, unlike a positive pressure baghouse for

which Method 5D was designed, the roofline vent air flow is induced by natural buoyance of the warmer gas inside the smelter building and by outside air wind pressures—not by use of a forced air blower like those used in a baghouse. The commenter referenced an illustration in a technical analysis of the proposed vent test methods, which shows that the flow rate varies significantly over short periods of time and occasionally is negative (*i.e.*, air flows into the vent). Another commenter stated, “FMMI identified the incompatibility of Method 5D to the roofline vent configurations as part of its original comments on April 26, 2022 . . . Nevertheless, the EPA left the issue unaddressed in the supplemental rule proposal, and the agency has not provided any guidance or technical analysis explaining how Method 5D could be adapted to the distinctly different conditions presented by the roofline vents.” A commenter stated because EPA Method 5D is not compatible with the low, variable air velocities and physical configuration of the roofline vents, FMMI has utilized a sampling methodology and test protocol negotiated with the ADEQ (the “ADEQ test method”).

Commenters advocated using MiniVol portable air samplers as an alternative to the proposed test methods for measuring PM from roof vents. They stated that using MiniVol portable air samplers is the most representative sampling method for the roofline emissions application, and while not a FRM sampler, they provide results that closely approximate data from FRM samplers to obtain representative concentrations of PM without the need for isokinetic sampling. The commenter noted that the portable air samplers can be run concurrently at several locations along the roofline, which the commenter notes offers several benefits: (1) fluctuations in flows and emissions along the roofline are better managed, (2) sampling is not dependent on linear air flow, so constant adjustments are not required, and (3) sampling can occur for longer periods of time, which provides a more representative sample of the process operations occurring in the smelter buildings. The commenter noted use of this sampling protocol will require the collection of velocity and temperature measurements using the existing roofline monitoring system equipment. As an added benefit, the portable air samplers also are capable of speciating samples of PM, PM₁₀, and PM_{2.5}.

A commenter noted that Asarco’s 2015 consent decree with ADEQ, which governs the operation of their Hayden

smelter, requires process fugitive emissions studies (FES) pursuant to a protocol ("FES Protocol" or "Protocol") approved by the EPA on May 24, 2017. Within the FES Protocol is a determination that process fugitive PM emissions at the roofline shall be quantified via a sampling methodology that centers on the use of MiniVol portable air samplers at the roofline vents. The commenter stated that the EPA's approval of the Protocol constitutes a determination by the EPA that this sampling method is appropriate for determining the rate of fugitive PM emissions at the roofline. The MiniVol sampler, in particular, is a low-flow sampler, which is well-suited to low, variable air flows at the roofline—unlike the iso-kinetic sampling methods specified in paragraph (e)(1) of proposed 40 CFR 63.1450. The commenter attached copies of the Protocol and the EPA's approval of the Protocol to their comment letters submitted on the 2022 proposed RTR and on the 2023 supplemental proposal (Docket ID Nos. EPA-HQ-OAR-2020-0430-0135 and EPA-HQ-OAR-2020-0430-0204, respectively).

A commenter stated the final rulemaking should include a provision that explicitly authorizes the use of MiniVol portable air samplers, together with appropriate temperature and flow sensors to determine PM emissions at the roofline. The commenter advocated the use of a fugitive emissions monitoring protocol specific to the relevant smelter and approved by the EPA's Office of Air Quality Planning and Standards, Measurement Technology Group (MTG) or other reviewing body such as ADEQ and believes (a) 6 months after the date of the final rulemaking's publication in the **Federal Register** would be an appropriate deadline for submittal of the protocol for agency approval; and (b) 2 years after agency approval of the protocol would be an appropriate deadline for commencing measurements of the rate of fugitive PM emissions at the roofline to determine whether they exceed the fugitive PM emissions-rate limit. Correspondingly, the commenter noted the final rulemaking should provide that, during the pendency of the protocol's implementation, only the work practice standards and operation and maintenance requirements of the revised subpart QQQ rules shall apply to the process fugitive PM emissions. This would be consistent with 42 U.S.C. 7412(h)(1)–(2)(B) and the approach the EPA took in the Mercury and Air Toxics

Standards (MATS) and Industrial Boilers rulemakings.

The commenter stated that the ADEQ test method was utilized to collect all of the emission data that the EPA relied on for the UPL calculation that is the sole basis for the combined roofline PM emission limit in the supplemental proposed rule. According to the commenter, it is not appropriate for the EPA to set emission limits based upon the ADEQ test method and then prohibit the use of that very same method to demonstrate compliance. If the ADEQ test method was good enough to set enforceable emission limits, it should also be good enough to demonstrate compliance. The commenter stated that if the ADEQ test method (or some reasonable modification of that method) does not meet the EPA's requirements, then no limit should be established at this time because that approach necessarily means that a valid data basis for a limit does not yet exist. If that is indeed the EPA's position FMMI and the EPA can work together to develop an acceptable test method, FMMI can collect the necessary data to support the calculation of a UPL based on that agreed method, and the agency can set emission limits based on that data set.

In a related point, a commenter stated that they are concerned that the proposed roofline lead limit is based on data collected using samplers that are not designated as an FRM. Use of non-FRM sampler data could create a standard that is not achievable if tested using an FRM. It is unclear from the EPA's proposed rule how to address a potential discrepancy between a standard based on non-FRM and testing using an FRM. The commenter goes on to say that the EPA's proposed PM limit was established using data that were collected using a method other than EPA Method 5. Another commenter has similar concerns with the EPA's rule in regard to the proposed limit being based on data collected using samplers that are not designated as an FRM: First, they state it is not clear from the EPA's rule that a Method 5 test conducted at the same time would have produced the same result as the alternative method used to obtain the data the rule is based on. Second, they state it is unknown whether this standard is achievable, as determined by the proposed test methodology.

Lastly, commenters had concerns about the safety of the personnel conducting testing at the roofline. The commenter stated it would be unsafe, due to the elevated temperature environment and other conditions at the roofline, for humans to perform roofline activities required by paragraph (e) of

proposed 40 CFR 63.1450. Many areas of the roofline are currently only accessible by narrow catwalks that do not currently have approved tie-off points or sufficient space to accommodate the personnel and the required sampling equipment. Some roofline areas require respirators or other personal protective equipment, and the EPA's proposed testing methods would require continuous presence of multiple personnel working directly in the pathway of exiting fumes for 3, 12-hour test runs. The commenter stated the Method 5 sampling protocol requires adequate sample locations to account for variations in the flows along the roofline, which then necessitates a large number of sampling staff to be located in a dangerous, high temperature environment for extended periods of 12 hours or more. The commenter noted the temperatures at the roofline can reach 140 degrees Fahrenheit and pose a significant safety concern for the testing personnel.

Response: In reviewing the comments and as a result of a site visit, the EPA is revising the methods for the roof-vent testing. For sample location determination, if EPA method 1 is inappropriate, the facilities need to use method 5D, section 8.1.3, Roof Monitor or Monovent, and also use section 8.2 to determine how many traverse points should be sampled or have proposed sampling locations approved by EPA Office of Air and Radiation (OAR), Office of Air Quality Planning and Standards, MTG or the delegated authority. Due to the variability in the flow rates, an anemometer may be used to determine the flow. For the PM concentration measurements, a constant sample flow rate and mass volume is required due to the highly variable process flow rate. EPA method 17 may be used for this constant flow rate sampling. EPA Method 17 particulate matter samples will be collected at the roofline vent temperatures to maintain the same temperature basis as the samples used in setting the standard. EPA Methods 5 and 5D have been removed since these methods require heating the filter to 248 ± 25 Fahrenheit, which would not be representative of the roofline temperatures. It is understood that isokinetics may not be met with this sampling and this calculation is waived for this sampling.

The MiniVol samplers are not EPA-approved samplers. There is a concern because these are battery operated and may not provide a constant rate of sampling. As an alternative, an approved FRM or FEM ambient PM monitor may be used, which will also address the commenter's safety

concerns. A list of designated reference and equivalent methods is provided here: <https://www.epa.gov/amtic/air-monitoring-methods-criteria-pollutants>. However, tapered oscillating microbalances are not appropriate for this sampling. The FRM or FEM ambient PM monitor must be able to tolerate temperatures up to 150 degrees Fahrenheit.

The commenter has raised concerns on the use of the MiniVol sampler to set the standard while different methods are used for determining compliance. The EPA has mitigated these issues through the adaptations to the methodology finalized, the use of calibrated anemometer for low and variable process flow rates, fixed rate sampling and the allowance for in stack filter methodology (EPA Method 17). The primary sampling difference between the methods now is the more stable operation of the EPA Method 17 sampling system or an FRM/FEM, ensuring that the sampled flow rate is consistent.

The EPA alternative methods approval is conducted by the Measurement Technology Group (MTG). The MiniVol roof-vent sampling protocols/sampling methods have not been submitted or approved by MTG. The Asarco protocol included FRM sampling side-by-side with the MiniVol sampling. This side-by-side sampling could use Method 301 to validate the MiniVol samplers, but the proposed sampling has not yet occurred. This Method 301 validation could still occur, and the data could be used to support an alternative method approval from MTG. If these revised methods are not appropriate or the tester/facility wants to use alternative methods, the tester/facility can apply for an alternative test method approval through MTG. A Method 301 study should be conducted to verify that the selected monitors used provide equivalent data to the EPA methods.

Comment: A commenter agreed with the EPA's reasoning and determination not to propose a BTF lead emissions limit in addition to, or instead of, the fugitive PM emissions limit in proposed 40 CFR 63.1444(i)(3). Similarly, another commenter stated that, in response to EPA's request for comments, an additional lead limit on the roofline vents is not necessary. They explained that they agreed with the EPA's conclusion that PM is the most appropriate surrogate for metal HAPs.

Response: While we agree that PM is an appropriate surrogate for metal HAP, we are also finalizing a process fugitive lead limit for facilities using flash furnaces and associated with the Peirce-

Smith converters of 0.326 lb/hr for a combination of roof vents associated with Peirce-Smith copper converter department, Inco flash furnace and the anode refining department. We estimate that this final standard will reduce lead emissions by 0.39 tpy.

Comment: Commenters requested that the EPA establish direct lead limits, either in addition to or instead of the PM limit because it is one of the risk drivers for this source category and would be appropriate to control for it directly.

Response: We have determined that filterable particulate is an adequate surrogate for lead and other HAP metals for this source category. The use of PM as a surrogate for particulate metal HAP is consistent with the approach used to limit particulate metal HAP emissions from other copper smelting processes in the current NESHAP and for many other source categories (i.e., Ferroalloys Production, Integrated Iron and Steel Manufacturing, and Integrated Iron and Steel Foundries). Therefore, providing PM emission standards which require reductions as a surrogate for metal HAPs is expected to result in commensurate reductions of metal HAP. We are also finalizing a process fugitive lead limit for facilities using Inco flash furnaces and Peirce-Smith converters of 0.326 lb/hr for a combination of roof vents associated with the Peirce-Smith copper converter department, Inco flash furnace and the anode refining department which we estimate will reduce lead emissions by 0.39 tpy.

d. What is the rationale for our final approach and final decisions for the process fugitive emissions from roofline vents revisions made pursuant to CAA section 112(d)(2) and (3)?

As described in the 2022 proposal and in the 2023 supplemental proposal, the 2002 major source NESHAP does not include standards for process fugitive emissions from the rooflines of smelting vessels, converters, or anode refining operations, except for an opacity limit for converter roof vents that applies during testing. Therefore, we are finalizing, as proposed in the 2023 supplemental proposal, a BTF combined PM limit of 6.3 lb/hr as a surrogate for metal HAP for new and existing process fugitive emissions from roofline vents pursuant to CAA section 112(d)(2) and (3). As described in section IV.A., we are also finalizing this combined roofline PM limit under CAA section 112(f) to reduce emissions of HAP metals (especially lead and arsenic, which are two persistent, bioaccumulative and highly toxic HAPs), and their associated risks, to

achieve acceptable risks levels. We are finalizing, as proposed, that compliance with the PM emissions limit for the process fugitive emissions from roofline vents will be demonstrated through an initial performance test followed by a compliance test at least once per year. Based on comments we received on the 2022 proposal and the 2023 supplemental proposal, we are finalizing adaptations to the test methods by which compliance with this limit can be demonstrated including the use of fixed rate sampling and the allowance for in stack filter methodology (EPA Method 17). The costs for Freeport to comply with this combined PM limit are described in section IV.C.2.b., and we estimate that Asarco can already comply with this limit and therefore will not incur costs to comply with the combine PM roofline limit except testing costs. We estimate that both facilities will incur testing costs of \$107,000 per year to comply with the performance test requirements.

In addition, we are finalizing a lead emission limit of 0.326 lb/hour to minimize process fugitive lead emissions from any combination of roofline vents associated with Peirce-Smith copper converter departments, Inco flash furnaces and the anode refining departments, at existing sources. This limit will only apply to the Asarco facility (since they are the only existing major source with Peirce-Smith copper converter departments and Inco flash furnaces), and we estimate this will reduce metal HAP by 0.39 tpy and ensure that future violations of the lead NAAQS will not occur. As mentioned in section IV.B.2. of this preamble, Asarco has been a major contributor to the Hayden Arizona lead NAAQS non-attainment status. This limit is consistent with the modeling demonstration submitted by the facility to the state in support of a revision to the lead SIP. This document is available in the docket for this action (Docket ID No. EPA-HQ-OAQ-2020-0430). As discussed in section IV.B., we are also promulgating design standards under CAA section 112 (d)(6) that will ensure this limit is met. As discussed in section IV.B., the costs to comply with the design standards are already expected to be incurred by the facility. We are finalizing, that compliance with the lead emissions limit for the process fugitive emissions from roofline vents will be demonstrated through an initial performance test followed by a compliance test at least once per year. The facility can test for lead at the same time as the performance test for PM; however, they will have some

additional costs for the laboratory analysis that we estimate to be \$18,000 per year.

3. Mercury

a. What did we propose for mercury emissions pursuant to CAA section 112(d)(2) and (3)?

In the 2022 proposal, the EPA proposed a BTF mercury limit of 0.0043 lb/hr for existing sources, based on emissions data from Freeport and Asarco, and a MACT floor mercury limit of 0.00097 lb/hr for new sources, based on emissions data from Asarco. As noted in the preamble of the 2022 proposal, in order to comply with the proposed emission limit for existing sources, the EPA expected that the Freeport facility would have to install and operate an activated carbon injection (ACI) system and a polishing baghouse on the stack emissions release point, the acid plant. The EPA expected the installation of these additional controls would result in a 90 percent reduction of mercury emissions from the acid plant source and that the cost-effectiveness of mercury control would be \$27,500 per pound (in 2019 dollars).

During and after public comment period of the 2022 proposal, the EPA received a number of comments and additional data concerning the BTF limit for existing sources including:

- Mercury testing results obtained in 2018–2021 by the Freeport facility which did not fully follow EPA Method 29;
- Additional mercury testing results collected at the Freeport facility in 2022 which fully followed EPA Method 29; and
- Comments regarding the technical infeasibility of adding mercury controls (e.g., polishing baghouse with ACI) at the acid plant, including explanations that the conditions of the acid plant exhaust streams are unsuited for the control option since the stream has a high moisture content, low mercury concentrations, and high concentrations of SO₂/SO₃ which inhibit mercury removal.

As discussed in the 2023 supplemental proposal, the EPA evaluated the emissions data from all of Freeport's performance tests (*i.e.*, 2018–2022) and concluded that only the test conducted in 2022 which fully followed Method 29 should be used in the MACT floor emission limit development. The EPA also agreed that characteristics of the exhaust stream from the acid plant stack and equipment configuration at the acid plant may inhibit mercury control (e.g., moisture content, acid gas content, mercury concentration) which

could result in diminished emission reductions. Therefore, we evaluated controlling mercury from the aisle scrubber stack and the vent fume stack and determined the latter was best suited for mercury control (see discussion in the 2023 supplemental proposal). Based on a new stack location and a new emissions data set, which includes the original Asarco data and data from Freeport's 2022 test, the revised mercury limit for existing sources in the 2023 supplemental proposal, as determined using the 99 percent UPL approach, is a MACT floor limit of 0.033 lb/hr for combined facility wide emissions. We also evaluated BTF control options in the 2023 supplemental proposal and concluded that the costs were unreasonable, and we proposed the MACT floor emission standard. We proposed that compliance with the mercury emissions limit for new and existing sources would be demonstrated through an initial compliance test for each of the affected sources (e.g., furnaces, converters, anode refining) followed by a compliance test at least once every year.

b. How did the mercury emissions standard made pursuant to CAA section 112(d)(2) and (3) change since proposal?

The mercury emission standard for new sources, 0.00097 lb/hr, is being promulgated as proposed in 2022. In the 2023 supplemental proposal, we proposed a revised mercury emission standard of 0.033 lb/hr for existing sources and are finalizing that standard as proposed. Both emission standards are based on the MACT floor.

c. What key comments did we receive on the mercury revisions made pursuant to CAA section 112(d)(2) and (3) and what are our responses?

Comment: Commenters contend that the EPA does not have sufficient data to develop a MACT floor for mercury. They stated that they do not believe the single 3-run test results are sufficient to establish the proposed MACT floor emission standard for existing sources. The commenter noted there was significant run-to-run variability which the commenter stated can be attributed to the profile of the process feed and the nature of a batch process. Commenters noted that additional performance testing of mercury will be conducted at the Freeport facility in the fourth quarter of 2023, and first quarter of 2024 using EPA Method 29, and they asked that the EPA allow for submittal and consideration of these data (which they say they will be able to provide at least several weeks prior to the May 2, 2024, deadline for final rule publication)

when establishing limits in the final rule. In the absence of additional data, commenters believe that a representative MACT floor cannot be established, and any regulatory action should be postponed or limited to workplace standards. They rationalized this comment by citing the NESHAP for Secondary Lead Smelting (77 FR 570) where the EPA did not promulgate standards because of incomplete testing and lack of testing data for furnaces that burn varying types of fuel.

Response: As described in the 2023 supplemental proposal, the EPA revised its calculations by only using the stack test data that followed EPA Method 29. The proposed mercury standard was developed based on the 99 percent UPL of the available emissions data for this source category, which included data collected from Freeport through the 2022 section 114 information request from Freeport as well as test data from Asarco, yielding a sample size of 5 data points. The test report associated with Freeport's section 114 information request response was conducted using EPA test Method 29 and was reviewed by EPA measurement experts upon submission. A dataset of more than 3 data points meets the sample size necessary to use the 99 percent UPL approach to develop a MACT standard. We acknowledge that a sample size of 5 is considered a limited dataset; however, we have followed our documented approach for MACT floor development for limited datasets included in Appendix B of the aforementioned memorandum (Docket ID No. EPA-HQ-OAR-2020-0430-0153). Therefore, we disagree that we have insufficient data to develop a numerical emission standard based on the MACT floor.

We note that we received two additional test reports from Freeport; one on January 29, 2024 (non-metal HAPs) and one on February 16, 2024 (mercury), well after close of the public comment period (*i.e.*, September 22, 2023) and have been notified that Freeport plans to send a third test report in mid-April 2024. Based on a preliminary review of the new test data, we determined that some tests were not valid due to deviation from the EPA method and that incorporation of the valid tests would not result in significant changes to the proposed emission limits. We did not incorporate these late-submitted data for two timing related reasons. First, other stakeholders would not have an opportunity to review and comment on these new data; and second, given the court-ordered promulgation deadline of May 2, 2024, we had insufficient time to complete the

necessary quality control and assurance of the data, and to perform new calculations and analyses to establish revised limits before the May 2, 2024, deadline. Thus, we are promulgating the existing source MACT floor emission standards for mercury, as well as for the other non-metal HAP, as proposed in the 2023 supplemental proposal and as discussed in sections IV.C.3. and IV.C.4. of this preamble.

Comment: Some commenters expressed support for the decision in the 2023 supplemental proposal not to move forward with a BTF standard for mercury, while other commenters suggested that the EPA adopt the BTF standard for mercury. Commenters stated that indirect costs including engineering, procurement, and construction management, as well as startup costs had not been included in our estimates. Specifically concerning costs for baghouses, commenters stated that most modern baghouses are of the pulse jet, rather than shaker style, configuration.

Response: As described in the 2023 supplemental proposal, the EPA re-proposed a MACT floor standard for mercury after considering the technical feasibility and costs of BTF control options. In consideration of the comments regarding costs, we performed a holistic review of the cost estimates for controls included in this rulemaking. As described in the 2023 supplemental proposal, we estimated costs for controlling mercury at the vent fume stack using a polishing baghouse with ACI. We found that our BTF cost estimates for mercury controls omitted indirect costs and assumed costs for a shaker style baghouse. In response to the comments received on the 2023 supplemental proposal, we have revised our BTF cost estimates for mercury control of the vent fume stack at the Freeport facility to include indirect costs and to more appropriately assume a pulse jet configuration baghouse. The details of these revisions can be found in the memorandum *Estimated Cost for Beyond-the-floor Controls for Mercury Emissions from Primary Copper Smelting Facilities—REVISED*, available in the docket for this rulemaking. Our revised estimates of the cost of BTF mercury are capital costs of \$10.7 million and total annualized costs of \$3.0 million. We did not receive additional test data or other information that would result in revisions to the expected emission reductions we presented in the 2023 supplemental proposal. Using the expected reductions, 40.5 lb/yr, the resulting cost effectiveness is \$73,300/lb mercury. We continue to maintain, as proposed in the

2023 supplemental proposal, that the cost effectiveness for the BTF control of mercury is unreasonable and are promulgating the MACT floor emission standard for existing sources.

d. What is the rationale for our final approach and final decisions for the mercury revisions made pursuant to CAA section 112(d)(2) and (3)?

As described in the 2022 proposal and the 2023 supplemental proposal, the 2002 major source NESHAP does not include standards for mercury. We are finalizing, as proposed in the 2022 proposal, the new source MACT floor mercury limit of 0.00097 lb/hr mercury. As stated in the 2022 proposal, the new source MACT floor mercury limit was calculated based on emissions data from the best performing facility, which is Asarco in this case. We are finalizing, as proposed in the 2023 supplemental proposal, the existing source MACT floor mercury limit of 0.033 lb/hr mercury. As discussed in section IV.C.3.c. of this preamble, we made some revisions to the cost of mercury controls that were included in the 2023 supplemental proposal. These revisions improved the completeness of our estimates but did not change our conclusion that the costs of the BTF option for controlling mercury with a polishing baghouse and ACI at the vent fume stack are unreasonable (\$73,000/lb mercury reduced). We also considered other BTF options, but all other options were less cost-effective than additional controls of the vent fume stack using the baghouse/ACI option. We note the BTF options we considered are higher than historic acceptable cost effectiveness values for mercury. The highest historic acceptable cost-effective values in the 2011 final MATS rule were up to \$22,400 per pound of mercury reduced in 2007 dollars (which equates to about \$32,000 per pound in current dollars). We are finalizing, as proposed, that compliance with the mercury emissions limit for new and existing sources will be demonstrated through an initial compliance test for each of the affected sources (e.g., furnaces, converters, anode refining) followed by a compliance test at least once every year.

4. Other Unregulated HAP

a. What did we propose for the unregulated HAP pursuant to CAA section 112(d)(2) and (d)(3)?

During the public comment period of the 2022 proposal, the EPA received comments claiming there were additional unregulated HAP from the source category beyond those we addressed in the 2022 proposal. In

response to these public comments, the EPA issued a CAA section 114 information request to collect further information. The information request was sent to the Freeport facility only, as the Asarco facility has been idled since October 2019. The collected data indicated the following additional unregulated pollutants are emitted from the source category: benzene, D/F, HCl, chlorine, PAH (including naphthalene), and toluene. These pollutants are mainly emitted due to the combustion of natural gas and coke. Based on this new information, the EPA proposed the following MACT floor emission limits for these pollutants in the 2023 supplemental proposal:

- 1.7E–03 lbs benzene/ton concentrated ore fed for new and existing sources;
- 8.4E–04 lbs toluene/ton concentrated ore fed for new and existing sources;
- 1.5E–03 lb/ton concentrated ore fed for HCl for new and existing sources;
- 5.4E–03 lbs chlorine/ton concentrated ore fed for new and existing sources;
- 1.0E–04 lbs PAH excluding naphthalene/ton concentrated ore fed for new and existing sources;
- 2.8E–04 lbs naphthalene/ton concentrated ore fed for new and existing sources; and
- 60 ng D/F TEQ/Mg concentrated ore fed for new and existing sources.

We also proposed that compliance with the unregulated HAP emissions limits for each affected source will be demonstrated through an initial performance test followed by a compliance test at least once every 5 years.

b. How did the unregulated HAP revisions made pursuant to CAA section 112(d)(2) and (3) change since proposal?

As described in section IV.C.4.a., we proposed MACT floor emission limits for benzene, D/F, HCl, chlorine, PAH (including naphthalene), and toluene. The decision not to propose BTF emission limits was based on the results of our BTF analysis. The BTF analysis assumed ACI or DSI would be installed with an existing scrubber to achieve the expected emission reductions. However, based on comments received on this analysis as discussed in section IV.C.4.c. of this preamble and the promulgation of additional controls for the Hoboken converter process fugitive capture system, we made revisions to our BTF analysis. Specifically, we revised the BTF control options to be the addition of ACI or DSI to the baghouse control device we expect will be installed upstream of the aisle scrubber to control

the Hoboken converter process fugitive capture system, rather than a scrubber. We revised the expected emission reductions for each unregulated HAP (i.e., benzene, D/F, HCl, chlorine, PAH (including naphthalene), and toluene) to reflect the assumption that the baghouse will receive about 75 percent of the loading to the aisle scrubber. The performance test results that were used to quantify emission reductions of the unregulated HAP were conducted at the outlet of the aisle scrubber. Therefore, we are revising the emission reduction estimates provided in the 2023 supplemental proposal to be based on the expected loading to the baghouse. We did not identify any BTF options for HCl because the MACT floor emission standard was set at 3 times the representative detection limit (3xRDL) and it is infeasible to measure lower levels of this pollutant. For Cl, we adjusted our expected emission reductions from the addition of DSI based on an expected control efficiency of 98 percent to 20 percent. This control efficiency adjustment was in response to a comment we received from Freeport. Freeport commented that the stack test data was taken from the aisle scrubber outlet; because the aisle scrubber is a caustic scrubber additional reduction of acid gases would be expected to be far lower than our proposed 98 percent. They estimated it should be 0 to 20 percent. We agree and thus updated the expected control efficiency to 20 percent. Finally, as noted previously in this preamble, during the comment period for the 2023 supplemental proposal, we received comments on control costs and performed a holistic review of all control cost estimates for this rulemaking. These comments stated that installation costs and indirect costs including engineering, procurement, and construction management, as well as startup costs and contingency had not been included in our estimates. We also received comments regarding the sizing of a DSI system for the baghouse for the Hoboken converter process fugitive capture system as discussed in section IV.B. The costs for ACI and DSI were updated to include installation and indirect costs including contingency for completeness and were updated in response to comments regarding the sizing of such systems for the baghouse expected to be required for controlling the Hoboken converter process fugitive capture system. Based on these revisions, the quantity of expected emission reductions from the addition of DSI or ACI was reduced, and the overall cost effectiveness increased for unregulated HAP. This did not change

our proposal to base numerical emission standards for these pollutants on the MACT floor. The detailed emission reductions and cost estimates for the revised BTF options for this final rule are provided in a memorandum entitled *Estimated Cost for Beyond-the-floor Controls for Unregulated HAP Emissions from Primary Copper Smelting Facilities—REVISED*, which is available in the docket for this action. Units of unregulated HAP were also revised from pounds (or nanograms) per ton (or Mg) concentrated ore fed, as applicable, to pounds (or nanograms) per ton (or Mg) of copper concentrate feed charged to the smelting vessel.

c. What key comments did we receive on the unregulated HAP revisions made pursuant to CAA section 112(d)(2) and (3) and what are our responses?

Comment: Commenters appreciated that the EPA proposed MACT standards for the unregulated pollutants, but they also encouraged the EPA to reconsider the BTF options for control of these pollutants and require the additional control requirements. Commenters questioned the approach used to evaluate the BTF cost of controls for the nonregulated pollutants. By taking a pollutant-by-pollutant approach to assessing the cost per ton of pollution, the EPA's approach makes the cost assessment very high. For example, the BTF control options for benzene, PAH, naphthalene, and D/F were all estimated with the addition of ACI to the existing control device. So, the capital outlay and operational cost should include the tons per year (tpy) reduction of all pollutants instead of looking at the cost per ton for each one individually. Similarly, the BTF control for HCl and Cl is DSI, so one control will address both pollutants.

Response: We conclude that even by evaluating the combination of pollutants noted by the commenter, we would still consider the costs of complying with the BTF standards for these HAP not reasonable in this case. Generally, we find that the annualized emissions of these unregulated HAP are quite low, and our BTF analysis which informed the 2023 supplemental proposal concluded that the costs and cost-effectiveness associated with the BTF options were not reasonable. For more details on the BTF analysis, see the memorandum entitled *Estimated Cost for Beyond-the-floor Controls for HAP Emissions from Primary Copper Smelting Facilities—REVISED*, which is available in the docket for this action.

Comment: Commenters stated the proposed MACT standards for the unregulated HAP are inappropriate

because they would apply to both the Freeport facility and the Asarco facility when they are based on emissions data and information collected exclusively from the Freeport facility, and unique to Freeport's use of fuels and other raw materials which are precursors to such HAP emissions from the Freeport facility. Commenters stated that promulgation of the MACT standards would, therefore, violate 42 U.S.C. 7412(d)(3)(B) for failing to be based empirically or predictively on HAP emissions data and information pertaining also to the Asarco facility. Commenters stated the EPA should engage with Asarco to determine whether the facility has relevant HAP emissions data for consideration in the rulemaking, or not set standards for HCl, Cl or D/F because: (1) the overall emissions profiles of these HAP would be particularly sensitive to variations in feed to the smelter, including changes in quantities and qualities of fuel and additives, such as coke, flux and scrap; and (2) the individual stack emissions profiles of these HAP—including distributions and emissions rates—would vary greatly between the point sources at the Freeport facility and the point sources at the Asarco facility, due to the substantial differences between the process flows and gas flows (including capture) at the Freeport facility and the process flows and gas flows (including capture) at the Asarco facility. Commenters also contended that the MACT standards for unregulated HAP are based on a single testing campaign; therefore, a representative MACT floor cannot be established. Commenters noted that additional performance testing of the unregulated HAP will be conducted at the Freeport facility in the fourth quarter of 2023 and first quarter of 2024, and they asked that the EPA allow for submittal and consideration of these data (which they said they will be able to provide at least several weeks prior to the May 4, 2024, deadline for final rule publication) when establishing limits in the final rule. In the absence of additional data, commenters believe that a representative MACT floor cannot be established, and any regulatory action should be postponed or limited to workplace standards.

Response: The proposed unregulated HAP standards were developed based on the 99 percent UPL of the available emissions data for this source category, which included data collected through the 2022 section 114 information request to Freeport. The testing associated with Freeport's section 114 information request response was

conducted using the EPA prescribed test methods, and the results were reviewed by EPA measurement experts upon submission. We did not find equivalent data from Asarco in the administrative record. Nevertheless, the EPA is allowed to and required to establish MACT standards for a source category based on sources for which we have emissions data; thus, the data for Freeport must be used for the source category in the absence of data from Asarco. The 3 data points we used to set the floor are the minimum sample size necessary to use the 99 percent UPL approach to develop a MACT standard. While we acknowledge this is a limited dataset, we followed the EPA protocol for developing MACT from limited datasets which was described in Appendix B of the *Proposed Maximum Achievable Control Technology (MACT) Floor Analysis for Unregulated HAP for the Primary Copper Smelting Major Source Category* memorandum (Docket ID No. EPA-HQ-OAR-2020-0430-0153); therefore, we disagree that we have insufficient data to develop numerical emission standards based on the MACT floor.

As described in section IV.C.3.c. of this preamble, we note that we received an additional test report for these non-metal HAPs on January 29, 2024, well after close of the public comment period (i.e., September 22, 2023). However, for the reasons described in section IV.C.3.c., we did not incorporate these new data in our analyses to establish revised standards for the final rule. Therefore, we are promulgating the MACT floor emission standards for these unregulated HAP, as proposed.

Comment: Commenters agreed with the EPA's conclusion that the BTF options for controlling unregulated HAP are not cost effective. They also noted these control options, which include the use of ACI and DSI in combination with the aisle scrubber, are not technically feasible. Commenters noted that the aisle scrubber is a wet scrubber designed for acid gas control, and the use of either ACI or DSI would require a high-efficiency particulate control device such as a baghouse to collect the injected material. The commenter stated that the addition of a baghouse would significantly increase control costs for the pollutants, making the cost effectiveness of their control poorer. With regards to HCl and Cl, commenters stated the EPA's estimated emissions reductions of 98 percent for these pollutants using DSI injection is not practical given their already efficient removal by the aisle scrubber and thus already very low stack concentrations. DSI could not be expected to reduce

emissions of these pollutants by more than 20 percent and could potentially result in 0 percent emission reduction.

Response: As described elsewhere in this preamble, we are promulgating a combined emission standard for the combination of exhaust streams from the anode refining department and the Hoboken converter process fugitive capture system. At the Freeport facility, the anode refining department and the Hoboken converter process fugitive capture system exhaust streams combine in the aisle scrubber from which they are emitted to the atmosphere. The Freeport facility controls the anode refining department emissions with a baghouse prior to routing the exhaust to the aisle scrubber. We expect that the combined standard we are promulgating in this action will require the installation of a baghouse to control the emissions stream from the Hoboken converter process fugitive capture system. Therefore, the costs for a primary particulate control device of the emission streams which combine in the aisle scrubber will be incurred to comply with the combined emission standard. As discussed in section IV.C.4.b., in response to comments for this rulemaking we are amending our cost estimates included in the 2023 supplemental proposal for controlling these unregulated HAP to include installation and indirect costs including contingency as well as to address comments regarding the sizing of these injection systems. We continue to expect that DSI/ACI systems would be required to provide control for these pollutants, and, thus, our revised estimates continue to represent the incremental costs of adding these systems to an existing control device, which will now be the baghouse required for compliance with other requirements in this final rulemaking. As noted in our previous discussion of the baghouse for the Hoboken converter process fugitive capture system, the baghouse receives about 75 percent of the loading to the aisle scrubber. The performance test results which were used to inform the emission standards and to quantify emission reductions of the unregulated HAP (i.e., benzene, D/F, HCl, chlorine, PAH (including naphthalene), and toluene) were conducted at the outlet of the aisle scrubber. Therefore, we are revising our emission reduction estimates provided in the 2023 supplemental proposal to be based on the expected loading to the baghouse (i.e., 75 percent of the emission rates from the aisle scrubber outlet). Concerning the control efficiency applied to HCl and Cl

emissions, we note that the measurements of emission rates were taken at the outlet of the aisle scrubber. The aisle scrubber is designed to reduce acid gases including HCl and Cl; therefore, we agree with commenters that assuming an additional 98 percent reduction of the emission rates at the aisle scrubber in our BTF evaluation is likely technically infeasible. In reviewing the data for HCl, we note that the 99 percent UPL was less than 3 times the representative detection limit (3xRDL), thus the emission standard was set at 3xRDL consistent with EPA emission standard development procedures. Therefore, it is infeasible to measure lower levels of HCl and we are no longer considering BTF options for this pollutant. However, we have revised our estimated emission reductions for Cl to assume a 20 percent reduction. The revisions to the expected quantity of emission reductions and our cost estimates result in increased cost effectiveness for these unregulated HAP. For chlorine, benzene, toluene, and PAH, the cost effectiveness ranges from \$8.1 million/ton HAP reduced to \$120 million/ton of HAP reduced. For D/F, the cost effectiveness is \$107 million/gram of HAP reduced. These revisions do not change our conclusion that the BTF costs for controlling these pollutants are unreasonable, and we are therefore promulgating the MACT floor standards. The details of our BTF analysis can be found in *Estimated Cost for Beyond-the-floor Controls for HAP Emissions from Primary Copper Smelting Facilities—REVISED*, which is available in the docket for this rulemaking.

Comment: Commenters noted that the proposed standards for unregulated HAP are a function of concentrated ore fed, i.e., the emission limits are pounds per ton concentrated ore fed. Commenters stated that some of these compounds are not correlated with ore composition, but instead with natural gas consumption or impurities from third party copper scrap recycling. The commenters noted that additional performance testing should be conducted to inform whether other operating parameters influence emissions.

Response: We used production-based thresholds to provide equitable emission standards for other facilities in the source category. No data was provided by FMMI indicating whether copper scrap was part of the feed during the performance tests which informed the emission standards. However, in light of the possibility that copper scrap was part of the feed during the tests conducted in response to the 2022

section 114 information request, we are changing the denominator from a concentrated ore feed basis to a copper concentrate feed charged to the smelting vessel basis, where “copper concentrate feed” is defined in 40 CFR 63.1459.

d. What is the rationale for our final approach and final decisions for the unregulated HAP revisions made pursuant to CAA section 112(d)(2) and (3)?

As discussed in the 2023 supplemental proposal, the EPA identified benzene, toluene, HCl, Cl, PAHs, and D/F in the major source category for which the 2002 major source NESHAP did not include standards. Except for HCl, the standards we are promulgating for unregulated HAP are MACT floor limits based on the 99 percent UPL. For HCl, the 99 percent UPL was less than 3xRDL for HCl, therefore, consistent with EPA guidelines, the latter was used to set the MACT floor limit. As discussed in the 2023 supplemental proposal, the EPA evaluated BTF limits for each pollutant but did not propose them due to unreasonable costs. Therefore, consistent with the 2023 supplemental proposal, we are promulgating numerical emission standards for each unregulated HAP (*i.e.*, benzene, D/F, HCl, chlorine, PAH excluding naphthalene, naphthalene, and toluene). We are also promulgating, as proposed, that compliance with these standards will be demonstrated by an initial performance test and subsequent performance testing at least once every 5 years.

5. New Copper Converter Departments

a. What did we propose for the new copper converter departments pursuant to CAA section 112(d)(2) and (d)(3)?

The EPA proposed in the 2022 proposal a MACT floor limit for new copper converters of 0.031 lbs of PM₁₀ per ton of copper concentrate feed charged to the smelting vessel. We also proposed that compliance with the PM₁₀ emissions limit for new copper converter departments will be demonstrated through an initial performance test followed by compliance test at least once per year.

b. How did the new copper converter departments revisions made pursuant to CAA section 112(d)(2) and (3) change since proposal?

The proposed limit and compliance requirements were not changed.

c. What key comments did we receive on the proposed new copper converter departments revisions made pursuant to CAA section 112(d)(2) and (3) and what are our responses?

The EPA did not receive notable comments on the proposed limit or proposed compliance requirements.

d. What is the rationale for our final approach and final decisions for the new copper converter departments revisions made pursuant to CAA section 112(d)(2) and (3)?

As discussed in the 2022 proposal, the 2002 major source NESHAP current requirement for new converters is that the use of new batch copper converters is prohibited. Any new copper converters covered by the major source NESHAP would need to be continuous converters or some other currently unknown non-batch converter technology. However, the 2002 major NESHAP did not include an emissions standard for new converters. Therefore, pursuant to CAA section 112(d)(2) and (3), the EPA is finalizing, as proposed in the 2022 proposal, the MACT floor limit for new copper converters of 0.031 lbs of PM₁₀ per ton of copper concentrate feed charged to the smelting vessel and related compliance requirements. As discussed in the 2022 proposal, there are currently no existing continuous converters in the major source category, and therefore, we did not propose and are not finalizing an emission standard for existing continuous copper converters. Also as discussed in the 2022 proposal, since there are no existing continuous copper converters in the major source category, the PM₁₀ limit is based on the performance of the best similar source, which is the Kennecott primary copper smelting facility. We did not identify any cost-effective BTF options.

D. Final Rule Amendments Addressing Bypass Stack Emissions

1. What revisions did we propose for bypass stack emissions?

We proposed in the 2023 supplemental proposal prohibiting the use of a bypass stack. We also proposed in the 2023 supplemental proposal a definition of “bypass stack” in 40 CFR 63.1459 and proposed that use of a bypass stack will result in a violation of the numerical emission standards contained in the Primary Copper Smelting NESHAP in 40 CFR 63.1444. We proposed that the use of a bypass stack during a performance test will invalidate the test.

2. How did the bypass stack revisions change since proposal?

Based on consideration of comments, the EPA is not prohibiting the use of a by-pass stack. Instead, EPA is promulgating a work practice standard pursuant to CAA section 112(h) to minimize HAP emissions vented through a bypass stack during planned maintenance events. We are promulgating work practices instead of an emissions limit because we determined it is not economically or technically feasible to complete valid PM compliance tests during these events. When it is infeasible to reliably conduct valid compliance tests, such as in this case, the CAA section 112(h) allows EPA to establish work practice standards instead of a numerical emissions limit.

When the bypass stack is used, the process concentrate feed will be ceased, but pollution controls will remain operating until no copper is being processed by the converters. During these periods, a charge remains in the electric furnace to ensure the material remains molten, any additional emissions from the smelting process are nominal because the smelting furnace and converters are not operating, and a crust will form on the slag surface of the electric furnace minimizing flow rate and emissions. Only once the crust is formed, the bypass is then opened to vent residual gases prior to conducting maintenance. A CEMS for flow and SO₂ or a PM detector at the duct for the bypass stack may be used, and data from the CEMS confirms the emissions during these planned maintenance activities are minimal. We are revising the definition of a bypass stack to reflect this approved purpose.

3. What key comments did we receive on the proposed bypass stack revisions and what are our responses?

Comment: Several commenters supported the EPA’s proposal to prohibit the use of bypass stacks, noting that a bypass stack is a negligent mechanism that promotes a reactive rather than a proactive approach to a facility’s pollution. One user of bypass stacks disagreed with the proposal to eliminate their use, noting it is overly broad and ignores essential work practices designed to ensure the safe maintenance of process and pollution control equipment. The commenter noted that the bypass is used during maintenance and in particular prior to entering process vessels or confined spaces. In these instances, the commenter explained that the concentrate feed is ceased, but pollution

controls remain operating until no more copper is being processed by the converters. During these periods, a charge remains in the electric furnace to ensure the material remains molten, any additional emissions from the smelting process are nominal because the smelting furnace and converters are not operating, and a crust will form on the slag surface of the electric furnace minimizing emissions. The commenter further explained that the bypass is then opened to vent residual gases prior to conducting maintenance. The commenter noted that they operate a CEMS for flow and SO₂ at the duct for the bypass stack, and data from this CEMS confirms the SO₂ emissions during these maintenance activities are minimal. The commenter does not believe it is appropriate for the use of the bypass to be considered a violation of the numerical emission standards of the NESHAP or a bypass of the associated air pollution control devices (APCDs). In the maintenance periods when the bypass is used, emissions are expected to be small and below applicable limits, and air pollution control equipment is either not possible or unnecessary. The commenter recommended that the EPA promulgate work practice standards to regulate the use of the bypass. An additional comment was submitted after the comment period ended which also explained in more detail the challenges of testing the bypass stack siting zero or near zero velocities and volumetric flow rates at the stack.

Response: The EPA has reviewed the information provided and we are establishing a work practice standard for use of the bypass stack to allow planned maintenance of the control devices and processes to be conducted safely. When the bypass stack is used, the work practice must be followed, and the smelting furnaces and converters must not be operating. The control devices will remain operational until a crust is formed on the slag and emissions are minimal. The HAP emission limits are on a concentrate feed basis and during the work practice standards the feed concentrate ceases so the HAP limit is not applicable. Since the bypass stack is only used in planned maintenance, flow rate and SO₂ will be minimal but need to be monitored and emissions are expected to be minimal due to the low or lack of flow rate and when the work practice standards are implemented. We are finalizing the definition “bypass stack” in 40 CFR 63.1459. We are also finalizing that the use of a bypass stack during a performance test will invalidate the test. These conditions are

consistent with the EPA’s interpretation of the application of the court’s decision in *Sierra Club v. EPA*, 551 F. 3d 1019 (D.C. Cir. 2008).

4. What is the rationale for our final approach and final decisions for bypass stack emissions?

The EPA’s rationale for allowing the use of a bypass stack is to ensure safety during essential planned maintenance events, and the approach being finalized ensures that applicable emission limits continue to be met. For this reason, we are promulgating the following work practice standard for the use of bypass stacks at Primary Copper Smelters:

In the case of planned maintenance, feed to the IsaSmelt® Furnace must cease; power to the electric furnace must be lowered and a crust must be allowed to form on the surface of the slag; the operation of the converters must cease and the converters rolled out; and the operation of the anode vessels must cease. Once the main process units are shut down, residual process gases may be re-directed from the acid plant. If the fan to the anode refining point source baghouse is functioning, then the residual process gases must be redirected to the control device. If there is a shutdown or emergency shutdown event, the control devices should continue to run until process emissions cease. If the control devices are shut down before the process emissions cease and the bypass stack is used to vent to the process gas to the atmosphere, there will be a violation of the work practice standards. In addition to this work practice standard, we finalize, as proposed, that the use of a bypass stack is not permitted during compliance performance tests of the processes. We estimate that Freeport will not incur costs to comply with the final work practices because they are already implementing them at their facility.

E. Final Rule Amendments Addressing Compliance Dates

1. What compliance dates did we propose?

In the 2022 proposal, the EPA proposed that existing facilities must comply with the anode refining point source limit within one year. In the supplemental proposal, we proposed a combined roofline PM emission limit with a compliance timeframe of 2 years following promulgation, and a 1-year compliance timeframe following promulgation for emission limits for mercury, HCl, chlorine, D/F, benzene, toluene, PAHs excluding naphthalene, and naphthalene. We also proposed in

the supplemental proposal a compliance timeframe of 2 years following promulgation for the co-proposed options for the aisle scrubber at Freeport.

2. How did the compliance dates change since proposal?

We are promulgating option 2 for the aisle scrubber at Freeport, which we expect will require the installation of PM controls (such as a baghouse) to control emissions from the Hoboken converter process fugitive capture system in order to comply with the emission standard (a combined PM limit at the aisle scrubber outlet). Option 2 is being promulgated pursuant to section 112(d)(6); therefore, we are revising its compliance date to 3 years following promulgation. We are also revising the compliance time for anode refining point sources. As discussed in section III.F., for anode refining point sources where the anode emissions are not combined with Hoboken converter process fugitive capture system emissions in an aisle scrubber, we are finalizing the proposed requirement that existing facilities must comply within 1 year after promulgation. For anode refining point sources that combine their anode emissions with Hoboken converter process fugitive capture system emissions in an aisle scrubber, compliance with the anode refining point source limit will be demonstrated through compliance with the combined PM limit at the aisle scrubber outlet and its associated compliance date.

3. What key comments did we receive on the proposed compliance dates and what are our responses?

Comment: Commenters stated that the EPA should allow 3 years for compliance with the combined roofline PM emission limit. The commenters stated there are also significant practical reasons for a 3-year compliance period including the complex design and engineering of the most cost efficient and reliable combination of control options to achieve the targeted emission reductions. According to the commenters, the design and engineering involves multiple time-consuming steps to (i) assess the emission sources, (ii) evaluate the potential control options for effectiveness, reliability and cost, (iii) design engineering of the final scope, (iv) procurement in a current environment where supply issues are common, (v) construction, and finally (vi) startup, which will be challenging to accomplish in 3 years, much less 2.

Response: We acknowledge the complex nature of the engineering involved to evaluate the best controls to

use to comply with the final combine roofline PM standard, as well as the potential supply issues; however, the combined roofline PM emission limit is being promulgated pursuant to CAA section 112(f)(2), to address unacceptable risk. Section 112(f)(2) of the CAA allows up to two years after the effective date of a standard to comply if the Administrator finds it is necessary for the installation of controls.

4. What is the rationale for our final approach and final decisions for compliance dates?

We are promulgating compliance times for the standards in the rule based on time frames allowed in CAA, which includes up to 2 years for section 112(f)(2), and up to 3 years for sections 112(d)(2) and (3), and 112(d)(6), along with our judgement of when the standards can be met. The final compliance dates are as follows:

- Three years within promulgation for meeting the combined PM limit for the anode point source emissions that are combined with Hoboken converter process fugitive capture system emissions;
- Three years within promulgation for meeting the anode refining point source standard for anode point source emissions that are combined with Hoboken converter process fugitive capture system emissions;
- One year within promulgation for meeting the anode refining point source standard for anode point source emissions that are not combined with Hoboken converter process fugitive capture system emissions; and
- Two years within promulgation for meeting the combined roofline PM emission limit;
- Three years within promulgation for meeting the combined roofline lead emission limit and design standards;
- One year within promulgation or meeting standards for mercury, HCl, chlorine, D/F, benzene, toluene, PAHs excluding naphthalene, and naphthalene; and
- 180 days within promulgation for all other revisions including compliance with SSM revisions and bypass stack revisions.

For new sources, all standards in the rule are effective immediately upon the effective date of the standard, or upon startup, whichever is later. We are finalizing a new table, table 4, in the 40 CFR part 63, subpart QQQ, to provide the applicability and compliance dates for the new standards to assist facilities with determining these timeframes.

F. Other Major Comments

Comment: A commenter stated that they understood the EPA's assertion that fenceline monitoring is not appropriate for this source category given roof top emissions would not be measured at the fenceline. The Commenter stated that HAP metals tend to deposit within a few miles of the facility and therefore suggested that EPA consider community monitoring similar to those proposed in the Ethylene Oxide Sterilizer Rule.

Another commenter noted that the EPA's assertion that fenceline monitoring is not appropriate for this source category is refuted by EPA's air toxics standards for integrated iron and steel mills ("Steel Mills"), in which the agency finds that fugitive emissions come from heights of 100 feet or more and proposed fenceline monitoring. Alternatively to fenceline monitoring, the EPA could provide for monitors placed higher up, either on existing structures or structures built for the purpose but does not even discuss this possibility.

Response: As stated in the 2023 supplemental proposal, we considered the possibility of a fenceline monitoring requirement and determined that it is not appropriate for this source category. When considering whether fenceline monitoring was appropriate for this source category, we examined the potential for fugitive HAP emissions to be significant, particularly at or near ground level, and whether there are measurement capabilities for the expected pollutants to be monitored, in this case lead and/or arsenic. For this source category, we did not identify any significant sources of ground level emissions. Other considerations included whether there are similar sources located at facilities in other source categories where fenceline monitoring is already being conducted. For example, we recognize that one similarity between integrated iron and steel facilities and primary copper facilities is that both source categories have fugitive metal HAP emissions from roof vents, and as mentioned by the commenter, EPA is requiring fenceline monitoring of chromium at the II&S facilities. However, there are also important differences. First, we are promulgating process fugitive numeric emission limits for the roofline vents at major source primary copper smelters and requirements for annual compliance testing of the roofline vents at these sources. In contrast, the integrated iron and steel final rule (89 FR 23294, April 3, 2024) did not include numeric emission limits for the roofline vents and does not require any emissions

testing from the roof vents (other than opacity readings). Instead, in the Integrated Iron and Steel NESHAP, the EPA finalized the following: (1) work practice standards for the basic oxygen process furnaces (BOPFs), Bell Leaks (charging operation) and beaching; and (2) opacity limits for slag processing and planned bleeder valve openings. Secondly, we note that some of the sources of fugitive emissions at integrated iron and steel are at ground level such as slag processing and beaching. We have not identified any significant sources of ground level fugitive emissions at the primary copper smelters. Furthermore, regarding fugitive emissions from the roof vents, unlike Primary Copper facilities (for which we have test data and will obtain future test data through emissions testing requirements), we have no emissions test data from roof vents at integrated iron and steel (II&S) facilities. Therefore, in the integrated iron and steel rulemaking, fenceline monitoring for chromium was proposed and finalized to ensure that the work practices and opacity limits for these unmeasured fugitive and particulate emissions sources at integrated iron and steel facilities are achieving the anticipated reductions.

In addition, we disagree with the commenter's suggestion to place monitors at an elevated height. Fenceline ambient air monitors are typically used to monitor the potential exposure of nearby communities to ground level pollutant emissions; therefore, placing monitors at a height higher than the standard 1.5 meters (the breathing zone) would not be appropriate.

Furthermore, there are lead monitors and arsenic monitors already in the surrounding community nearby the major source facilities, and, as stated in the 2022 proposal, Utah Division of Air Quality (UDAQ), conducted lead ambient monitoring near the area source facility (Kennecott) from January 2010 through June 2017. With EPA's concurrence, this lead monitor was shutdown after UDAQ was able to demonstrate that the likelihood of violating the NAAQS for lead was so low that it was no longer necessary to monitor.

We maintain in the final rule, as stated in the 2023 supplemental proposal, that these characteristics suggest that fenceline monitoring—which is typically used to detect emissions that can be difficult to control or measure at the points where they are emitted, and to identify the need for follow-up investigation and corrective action—would have relatively limited

value in the context of this primary copper smelting source category.

We also note that while the EPA's EtO Sterilizers proposal requested comment on the appropriateness of community monitoring, EPA did not propose or finalize fenceline or ambient air monitoring requirements in the EtO Sterilizers rule (88 FR 22790, April 13, 2023; 89 FR 24090, April 5, 2024).

Comment: A commenter stated that process fugitive emissions captured and ducted to a baghouse, emissions from the secondary capture system for the converter department and the anode refining department or the alternative proposed baghouse-based emissions from the converter department should be monitored by PM CEMS to ensure compliance.

Response: The EPA has included PM CEMS as an option for continued compliance in the final rule. Either an operating parameter established during the performance test or PM CEMS will be utilized to demonstrate continued compliance.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

The Primary Copper Smelting source category includes any facility that uses a pyrometallurgical process to extract copper from copper sulfur ore concentrates, native ore concentrates, or other copper bearing minerals. There are currently 3 copper smelting facilities: 2 are major sources and 1 is an area source. No new copper smelting facilities are currently being constructed or are planned in the near future.

1. 40 CFR Part 63, Subpart QQQ

The affected sources subject to 40 CFR part 63, subpart QQQ, the major source NESHAP, are copper concentrate dryers, smelting furnaces, slag cleaning vessels, copper converter departments, and fugitive emission sources.

2. 40 CFR Part 63, Subpart EEEEEEE

Under 40 CFR part 63, subpart EEEEEEE, the area source NESHAP, the affected sources are copper concentrate dryers, smelting vessels, converting vessels, matte drying and grinding plant, secondary gas systems, anode refining furnaces, and anode shaft furnaces.

B. What are the air quality impacts?

The final amendments in this action would achieve about 8.0 tpy (7.99 tpy rounded) reduction of HAP metals emissions (primarily lead, arsenic, cadmium) from process fugitives associated with roofline vents and

emissions from the aisle scrubber (combined primary emissions from anode refining department and emissions from the Hoboken converter process fugitive capture system). In this action, we are also finalizing additional work practices that we estimate will achieve some additional unquantified HAP emissions reductions. These final amendments will also reduce risks to public health and the environment, as described above in this preamble.

Furthermore, we are finalizing new standards for mercury, benzene, toluene, HCl, chlorine, PAH, and dioxins/furans. We do not expect to achieve reductions in emissions with these new standards. However, these standards will ensure that the emissions remain controlled and minimized moving forward. The final amendments also include removal of the SSM exemptions.

C. What are the cost impacts?

As described above, the PM standard for the combined emissions from roofline vents would require additional controls to be installed at the Freeport facility. We estimate capital costs of \$10.2 million and total annual costs of \$2.3 million (includes annual testing costs) for Freeport (2022 dollars). Total annual costs include annualized capital costs, annual operating and maintenance costs, and annual testing costs. Additionally, we estimate that the Freeport facility will need to install additional controls to comply with the emission limit for the combined gas stream including the anode refining point source and the Hoboken converter process fugitive capture system. We estimate capital costs of \$59.5 million and total annual costs of \$10.8 million will be incurred by Freeport. The Asarco facility will need to install additional controls to comply with the design standards and lead emission limit in this final rule. We estimate capital costs of \$15.4 million and total annual costs (including testing) of \$3.9 million will be incurred by Asarco.

We expect that both Asarco and Freeport will incur additional costs for compliance testing. The estimated annual costs for performance testing of the previously unregulated HAP are \$87,980 for the Freeport facility and \$113,340 for the Asarco facility. The estimated annual costs for compliance testing for the anode refining point source and roofline PM emissions standards for the Asarco facility is \$138,157.

The total annual costs of all the final requirements (*i.e.*, annualized capital, annual operating and maintenance, and annual emissions testing costs) are

estimated to be about \$17.3 million. The total capital costs of the final rule are estimated to be about \$85.1 million.

D. What are the economic impacts?

The economic impacts associated with this final rule were estimated over an 8-year time frame from 2024 to 2031 using 3 percent and 7 percent discount rates. The present value (PV) of the estimated costs of this final rule, discounted at a 7 percent rate over the 2024 to 2031 period, is \$139 million in 2022 dollars. The equivalent annual value (EAV) of the estimated costs is \$23 million at a 7 percent discount rate. At a 3 percent discount rate, the PV and EAV of the cost impacts are estimated to be \$146 million and \$21 million, respectively. This final rule does not impact any small entities.

This final rule is not expected to have significant impacts on domestic copper production; the market price for commercial grade copper or any products comprised of copper inputs; or employment, for several reasons. First, the estimated annual costs of this final rule are expected to be small compared to the potential annual revenues of the U.S. primary copper smelting industry. For example, the U.S. Geological Survey (USGS) estimates 2020 primary copper smelter production was 315,000 mt.⁷ Applying an export price for unmanufactured anodes and blister of \$5,400 per mt that year, industry revenues in 2020 would have been an estimated \$1.7 billion.⁸ The estimated annual costs of the final rule (\$18 million) represent about one percent of this 2020 annual revenue estimate. Additionally, the affected companies are accustomed to spending large sums on annual maintenance. The 2022 annual report for Freeport-McMoran noted that they spent \$87 million on annual maintenance in 2021 at the Miami smelter.⁹ The estimated annual costs of this final rule for this Freeport facility are \$13 million, which is much lower than those maintenance expenditures. In addition, Freeport benefits from integrating its mining operations with its smelter. By being vertically integrated, Freeport is able to insulate itself from volatility in the cost of

⁷ See U.S. Geological Survey. Copper Statistics and Information. National Minerals Information Center. Annual Publication for 2020. Available at: <https://www.usgs.gov/centers/national-minerals-information-center/copper-statistics-and-information>. Note that 2020, which was a year of relatively low production compared to previous years is the most recent year for which USGS has this information available.

⁸ Ibid.

⁹ Freeport-McMoran. 2022 Annual Report. Available at: https://s22.q4cdn.com/529358580/files/doc_financials/annual/AR_2022.pdf.

smelting relative to a scenario where it outsources the smelting process. For this reason, the EPA expects that Freeport's incentive to maintain its smelting operation may extend beyond the margins earned solely on the smelting process. The EPA expects that Freeport can comply with this rule while continuing to operate its smelter at a similar capacity as it would under baseline conditions. Finally, due to trade exposure and the commodified nature of copper products (*i.e.*, the interchangeability of copper products manufactured by different producers), the EPA expects that the affected companies are price takers, and thus we would not expect price impacts due to this final rule. The complete economic analysis can be found in the memorandum *Economic Impact Analysis for the Final Residual Risk and Technology Review of the National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Sources*, available in the docket.

E. What are the benefits?

1. 40 CFR Part 63, Subpart QQQ

As described above, the final amendments would result in significant reductions in emissions of HAP metals, especially lead and arsenic. Both lead and arsenic are persistent bioaccumulative toxic (PBT) HAPs and developmental toxicants, with particular impacts on infants, children and the developing fetus. The final amendments will reduce risk from the source category to acceptable levels and ensure the NESHAP provides an ample margin of safety to protect public health. The benefits associated with the emission reductions were not able to be monetized but include reductions in both cancer and noncancer (*e.g.*, developmental) endpoints. Some unquantified benefits of these amendments will accrue to Tribal nations living in proximity to these

facilities; the reduction in cancer and non-cancer risks due to emissions of PBT HAP metals will benefit Tribal and other communities overburdened by air pollution. The final amendments also revise the standards such that they apply at all times, which includes SSM periods. Furthermore, the final requirements to submit reports and test results electronically will improve monitoring, compliance, and implementation of the rule.

2. 40 CFR Part 63, Subpart EEEEEEE

The final amendments under 40 CFR part 63, subpart EEEEEEE, revise the standards such that they apply at all times, which includes SSM periods. Furthermore, the final requirements to submit reports and test results electronically will improve monitoring, compliance, and implementation of the rule.

F. What analysis of environmental justice did we conduct?

For purposes of analyzing regulatory impacts, the EPA relies upon its June 2016 Technical Guidance for Assessing Environmental Justice in Regulatory Analysis, which provides recommendations that encourage analysts to conduct the highest quality analysis feasible, recognizing that data limitations, time, resource constraints, and analytical challenges will vary by media and circumstance. The Technical Guidance states that a regulatory action may involve potential environmental justice (EJ) concerns if it could: (1) create new disproportionate impacts on communities with EJ concerns; (2) exacerbate existing disproportionate impacts on communities with EJ concerns; or (3) present opportunities to address existing disproportionate impacts on communities with EJ concerns through this action under development.

The EPA's EJ technical guidance states that "[t]he analysis of potential EJ

concerns for regulatory actions should address three questions: (A) Are there potential EJ concerns associated with environmental stressors affected by the regulatory action for population groups of concern in the baseline? (B) Are there potential EJ concerns associated with environmental stressors affected by the regulatory action for population groups of concern for the regulatory option(s) under consideration? (C) For the regulatory option(s) under consideration, are potential EJ concerns created or mitigated compared to the baseline?"¹⁰

The environmental justice analysis is presented for the purpose of providing the public with as full as possible an understanding of the potential impacts of this final action. The EPA notes that analysis of such impacts is distinct from the determinations finalized in this action under CAA section 112, which are based solely on the statutory factors the EPA is required to consider under that section.

To examine the potential for Environmental Justice concerns, the EPA conducted a baseline proximity analysis, baseline risk-based analysis (*i.e.*, before implementation of any controls proposed by this action), and post-control risk-based analysis (*i.e.*, after implementation of the controls proposed by this action) for the Freeport facility (tables 4 and 5). The total population, population percentages, and population count for each demographic group for the entire U.S. population are shown in the column titled "Nationwide Average" in tables 4 and 5 of this preamble. These national data are provided as a frame of reference.

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¹⁰ Technical Guidance for Assessing Environmental Justice in Regulatory Analysis, U.S. EPA, June 2016. Quote is from section 3—Key Analytic Considerations, page 11.

Linguistically Isolated	5 percent [17M]	4 percent [300]	4 percent [300]	4 percent [300]	9 percent [100]	11percent [<100]

Notes:

- The nationwide population and all demographic percentages are based on the Census' 2016-2020 American Community Survey 5-year block group averages and include Puerto Rico. The total population count is based on the 2020 Decennial Census block population.
- To avoid double counting, the "Hispanic or Latino" category is treated as a distinct demographic category for these analyses. A person who identifies as Hispanic or Latino is counted as Hispanic/Latino, regardless of what race this person may have also identified as in the Census.

Table 5. Comparison of Baseline and Post-Control Demographics of the Population with Cancer Risk Greater than or Equal to 1-in-1 Million and 10-in-1 million Living Within 50 km of the Freeport Primary Copper Smelting Facility

Demographic Group	Nationwide Average	Total Population Living Within 50km	Cancer Risk $\geq$ 1-in-1 million		Cancer Risk $\geq$ 10-in-1 million	
			Baseline	Post-Control	Baseline	Post-Control
Total Population	330M	32,300	21,900	16,000	4,600	150
Race and Ethnicity by Percent [number of people]						
White	59 percent [195M]	38 percent [12,400]	36 percent [7,900]	49 percent [7,800]	45 percent [2,100]	45 percent [<100]
Black	12 percent [40M]	0.7 percent [200]	1 percent [200]	1 percent [200]	3 percent [100]	8 percent [<100]
American Indian or Alaska Native	0.6 percent [2M]	24 percent [7,800]	24 percent [5,700]	4 percent [640]	1 percent [<100]	0 percent [0]
Hispanic or Latino (includes white and nonwhite)	19 percent [63M]	33 percent [10,700]	33 percent [7,200]	42 percent [6,700]	44 percent [2,000]	36 percent [<100]
Other and Multiracial	9 percent [30M]	4 percent [1,300]	4 percent [900]	4 percent [600]	7 percent [300]	11 percent [<100]
Income by Percent [Number of People]						
Below Poverty Level	13 percent [43M]	23 percent [7,400]	24 percent [5,300]	16 percent [2,600]	14 percent [600]	27 percent [<100]
Above Poverty Level	87 percent [287M]	77 percent [24,900]	76 percent [16,600]	84 percent [13,400]	86percent [4,000]	73 percent [100]

Education by Percent [Number of People]						
> 25 w/o a HS Diploma	12 percent [40M]	17 percent [5,500]	18 percent [3,900]	16 percent [2,600]	14 percent [600]	21 percent [<100]
> 25 w/ HS Diploma	88 percent [290M]	83 percent [26,800]	82 percent [18,000]	84 percent [13,400]	86 percent [4,000]	79 percent [100]
Linguistically Isolated by Percent [Number of People]						
Linguistically Isolated	5 percent [17M]	3 percent [1,000]	3 percent [700]	2 percent [300]	4 percent [200]	11 percent [<100]

Notes:

- The nationwide population and all demographic percentages are based on the Census' 2016-2020 American Community Survey 5-year block group averages and include Puerto Rico. The total population count is based on the 2020 Decennial Census block population.
- To avoid double counting, the "Hispanic or Latino" category is treated as a distinct demographic category for these analyses. A person who identifies as Hispanic or Latino is counted as Hispanic/Latino, regardless of what race this person may have also identified as in the Census.

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The baseline proximity demographic analysis is an assessment of individual demographic groups in the total population living within 5 km (~3.1 miles) and 50 km (~31 miles) of the facility. Approximately 32,300 and 6,600 people live within 50km and 5 km, respectively of the Freeport facility. The results of the proximity demographic analysis indicate that the percent of the population that is Hispanic or Latino and that is American Indian or Alaska Native is higher than the corresponding national averages. This is particularly true for the population within 50km, which is 24 percent American Indian or Alaska Native, which is significantly above the 0.6 percent national average. The percent of people living below the poverty level and percent of people over the age of 25 without a high school diploma are also higher than the national averages.

The risk-based demographic analysis focused on the populations living within 5 km (~3.1 miles) and 50 km of the Freeport facility with estimated cancer risks greater than or equal to 1-in-1 million and greater than or equal to 10-in-1 million resulting from Primary Copper Smelting source category emissions. The baseline risk analysis indicated that emissions from the source category, prior to controls in this action, expose 6,600 people living within 5 km and 21,900 people living within 50 km to a cancer risk greater than or equal to 1-in-1 million, and 1,500 people living within 5 km and 4,600 people living within 50 km to a cancer risk greater than or equal to 10-in-1 million. The post-control risk-based demographic

analysis, which is an assessment of risks to individual demographic groups in the population living within 5 km and 50 km of the facilities after implementation of the controls in this action ("post-control"), indicated that post-control emissions from the source category expose 6,600 people living within 5 km and 16,000 people living within 50 km to a cancer risk greater than or equal to 1-in-1 million and 150 people living within 5 km and 150 people living within 50 km to a cancer risk greater than or equal to 10-in-1 million.

The demographics of the population living within 5 km with baseline cancer risks greater than or equal to 1-in-1 million is the same as the total population living within 5 km (i.e., all individuals living within 5 km have a baseline cancer risk greater than or equal to 1-in-1 million). Also, since the controls do not reduce the number of individuals living within 5km with risks greater than or equal to 1-in-1 million, the post-control demographics are also the same as the baseline. The demographics of the population living within 5 km with baseline and post-control cancer risks greater than or equal to 10-in-1 million indicates that the percentage of the population that is Hispanic or Latino, living below the poverty level, over 25 without a high school diploma and in linguistic isolation are significantly above the corresponding national averages. However, the number of individuals exposed to post-control risks greater than or equal to 10-in-1 million is reduced by a factor of 10 for each demographic.

The demographics of the population living within 50 km with baseline cancer risks greater than or equal to 1-in-1 million indicates that the percentage of the population that is American Indian or Alaska Native, Hispanic or Latino, living below the poverty level, over 25 without a high school diploma and in linguistic isolation are significantly above the corresponding national averages. The demographics of the population living within 50 km with post-control cancer risks greater than or equal to 1-in-1 million indicates that the percentage of the population that is Hispanic or Latino, living below the poverty level, over 25 without a high school diploma and in linguistic isolation are significantly above the corresponding national averages. The percentage of the population that is American Indian or Alaska Native with post-control cancer risks greater than or equal to 1-in-1 million dropped significantly from 24 percent to 4 percent, with the number of American Indian or Alaska Native individuals at this risk level dropping from 5,700 in the baseline to 640 post-control.

The demographics of the population living within 50 km with baseline cancer risks greater than or equal to 10-in-1 million indicates that the percentage of the population that is Hispanic or Latino is significantly above the national average. The percentage of the population that is living below the poverty level or over 25 without a high school diploma are closer to the national averages. The number of individuals living within 50 km exposed to post-control risks greater

than or equal to 10-in-1 million is reduced by about a factor of 30 for each demographic.

The EPA provided meaningful participation opportunities for communities with environmental justice concerns. The EPA proposed the Primary Copper Smelting NESHAP in January 2022, and received comments, and published a supplemental proposal in July of 2023, and received additional comments. Communities with environmental justice concerns had the opportunity to comment and request public hearings in response to both proposals. The EPA received a combined comment from the San Carlos Apache Tribe, Sierra Club, and Earthjustice; comment from The National Tribal Air Association; a combined comment from several non-governmental organizations including but not limited to the Allergy and Asthma Network and the Children's Environmental Health Network. Section IV. of this preamble provides a summary of key comments and responses. For all comments not discussed in this preamble, comment summaries and the EPA's responses can be found in the *National Emission Standards for Hazardous Air Pollutant Emissions: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review: Summary of Public Comments and Responses* document, available in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0430). In addition to the response to comments, the EPA conducted outreach with potentially affected communities by participating in the National Tribal Air Association calls and conducted Tribal consultations during this rule making process. We believe this final action will reduce adverse human health or environmental effects on communities with environmental justice concerns and that the EPA provided meaningful participation opportunities for these communities to participate in the development of this action.

VI. Statutory and Executive Order Reviews

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

A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a "significant regulatory action" as defined in Executive Order 12866, as amended by Executive Order 14094. Accordingly, the EPA submitted

this action to the Office of Management and Budget (OMB) for Executive Order 12866 review. Documentation of any changes made in response to the Executive Order 12866 review is available in the docket. The EPA prepared an economic analysis of the potential impacts associated with this action. This analysis, *Economic Impact Analysis for the Final Residual Risk and Technology Review of the National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Sources*, is also available in the docket.

B. Paperwork Reduction Act (PRA)

1. 40 CFR Part 63, Subpart QQQ

The information collection activities in this final rule have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned OMB Control Number 2060-0476 and EPA ICR number 1850.10. You can find a copy of the ICR in the docket for this action, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

In this action, we are finalizing amendments that require electronic reporting of results of performance tests and CEMS performance evaluations, fugitive dust plans and notification of compliance reports, remove the requirement to submit certain information related to the malfunction exemption, and impose other rule revisions that affect reporting and recordkeeping requirements for primary copper smelting facilities, such as requirements to submit new performance test reports and to maintain new operating parameter records to demonstrate compliance with new standards. This information will be collected to assure compliance with 40 CFR part 63, subpart QQQ.

Respondents/affected entities: Owners or operators of primary copper smelting facilities. Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart QQQ).

Estimated number of respondents: Two (total). Frequency of response: Initial, semiannual, and annual.

Total estimated burden: The annual recordkeeping and reporting burden for facilities to comply with all of the requirements in the NESHAP is estimated to be 6,500 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting burden for facilities to comply with all of the requirements in the NESHAP is estimated to be \$860,000 (per year), of which \$150,000 is for this rule, and

\$710,000 is for the other costs related to continued compliance with the NESHAP.

There are no annualized capital costs. There are an estimated \$302,000 in operation & maintenance costs associated with periodic performance testing.

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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR Part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

2. 40 CFR Part 63, Subpart EEEEE

The information collection activities in this final rule have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 2240.09. You can find a copy of the ICR in the docket for this action, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

In this action, we are finalizing amendments that require electronic reporting of results of performance tests and CEMS performance evaluations and notification of compliance reports, remove the malfunction exemption, and impose other revisions that affect reporting and recordkeeping for primary copper smelting facilities. This information will be collected to assure compliance with 40 CFR part 63, subpart EEEEE.

Respondents/affected entities: Owners or operators of primary copper smelting facilities. Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EEEEE).

Estimated number of respondents: One (total).

Frequency of response: Initial, semiannual, and quarterly.

Total estimated burden: The annual recordkeeping and reporting burden for facilities to comply with all of the requirements in the NESHAP is estimated to be 15 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting burden for facilities to comply with all of the requirements in the NESHAP is estimated to be \$1,973 (per year).

There are no annualized capital or operation and maintenance costs.

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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. Based on the Small Business Administration size category for this source category, no small entities are subject to this action.

D. Unfunded Mandates Reform Act (UMRA)

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

E. Executive Order 13132: Federalism

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

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

This action does not have Tribal implications as specified in Executive Order 13175. The Executive order defines Tribal implications as “actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes”. Based on all of our analyses, we conclude that the amendments in this action will not have a substantial direct effect on one or more Tribes, change the relationship between the Federal Government and Tribes, or affect the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Thus, Executive Order 13175 does not apply to this action.

Although this action does not have Tribal implications as defined by Executive Order 13175, consistent with the EPA policy on coordination and consultation with Indian Tribes, the EPA offered government-to-government consultation with Tribes during the rulemaking process. The EPA held a consultation with the San Carlos Apache Tribe on June 7, 2022, to discuss the 2022 proposal (Docket ID No. EPA–HQ–OAR–2020–0430–0185) and ensure that the views of the San Carlos Apache Tribe were taken into consideration in the rulemaking process in accordance with the *EPA Policy on Consultation with Indian Tribes* (December 2023). The *EPA Policy on Consultation with Indian Tribes* is available in the docket for this action. The topics discussed during the consultation are described in the consultation request letter, dated April 4, 2022 (Docket ID No. EPA–HQ–OAR–2020–0430–0139). In addition, the EPA also received letters from representatives of the San Carlos Apache Tribe expressing their concerns due to emissions of lead and arsenic from the primary copper smelting facilities, which are available in the docket for this action. In the letter, dated September 21, 2023 (which is available in the docket for this action), the Tribe requested consultation. We reached out to the Tribe on several occasions to schedule consultation but did not receive a response.

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

This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections III. and IV. of this preamble and further documented in the document titled *Freeport Baseline and Control Options Re-model Risk Analysis Memo*, which is available in the docket for this rule (Docket ID No. EPA–HQ–OAR–2020–0430).

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

This action is not a “significant energy action” because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

We have concluded that this action is not likely to have any adverse energy effects because it contains no regulatory requirements that will have an adverse impact on productivity, competition, or prices in the energy sector.

I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This rulemaking involves technical standards. Therefore, the EPA conducted searches for the 2022 proposal and 2023 supplemental proposal through the Enhanced NSSN Database managed by the American National Standards Institute (ANSI). The Agency also contacted VCS organizations and accessed and searched their databases. Searches were conducted for the EPA Methods 1, 1A, 2, 2A, 2C, 2D, 2F, 2G, 3, 3A, 3B, 4, 5, 5B, 5D, 9, 17, 18, 22, 23, 26A, 29, 30A, and 30B of 40 CFR part 60, appendix A, and EPA Method 201A of 40 CFR part 51, appendix M. No applicable VCS were identified for EPA Method 1A, 2A, 2D, 2F, 2G, 5B, 5D, 22, 30A, 30B, or 201A. During the searches, if the title or abstract (if provided) of the VCS described technical sampling and analytical procedures that are similar to the EPA's reference method, the EPA considered it as a potential equivalent method. All potential standards were reviewed to determine the practicality of the VCS for this rule. This review requires significant method validation data which meets the requirements of the EPA Method 301 for accepting alternative methods or scientific, engineering and policy equivalence to procedures in the EPA reference methods. The EPA may reconsider determinations of impracticality when additional information is available for particular VCS. Four VCS were identified as an acceptable alternative to the EPA test methods for the purposes of this rule.

The VCS ANSI/ASME PTC 19.10–1981 Part 10, Flue and Exhaust Gas Analyses, is an acceptable alternative to the EPA Method 3B manual portion only and not the instrumental portion. The ANSI/ASME PTC 19.10–1981 Part 10 method incorporates both manual and instrumental methodologies for the determination of O₂ content. The manual method segment of the O₂ determination is performed through the absorption of O₂. This VCS may be obtained from <https://webstore.ansi.org/> or from the ANSI Headquarters at 1899 L Street NW, 11th Floor, Washington, DC 20036.

The VCS ASTM D7520–16, *Standard Test Method for Determining the Opacity of a Plume in the Outdoor*

Ambient Atmosphere, is an instrumental method to determine plume opacity in the outdoor ambient environment as an alternative to visual measurements made by certified smoke readers in accordance with EPA Method 9. The concept of ASTM D7520–16, also known as the Digital Camera Opacity Technique or DCOT, is a test protocol to determine the opacity of visible emissions using a digital camera. It was based on previous method development using digital still cameras and field testing of those methods. The purpose of ASTM D7520–16 is to set a minimum level of performance for products that use DCOT to determine plume opacity in ambient environments. The ASTM D7520–16 is an acceptable alternative to the EPA Method 9 with the following conditions:

1. During the digital camera opacity technique (DCOT) certification procedure outlined in section 9.2 of ASTM D7520–16, you or the DCOT vendor must present the plumes in front of various backgrounds of color and contrast representing conditions anticipated during field use such as blue sky, trees, and mixed backgrounds (clouds and/or a sparse tree stand).

2. You must also have standard operating procedures in place including daily or other frequency quality checks to ensure the equipment is within manufacturing specifications as outlined in section 8.1 of ASTM D7520–16.

3. You must follow the record keeping procedures outlined in 40 CFR 63.10(b)(1) for the DCOT certification, compliance report, data sheets, and all raw unaltered Joint Photographic Experts Group (JPEG) files used for opacity and certification determination.

4. You or the DCOT vendor must have a minimum of four (4) independent technology users apply the software to determine the visible opacity of the 300 certification plumes. For each set of 25 plumes, the user may not exceed 15 percent opacity of anyone reading and the average error must not exceed 7.5 percent opacity.

5. This approval does not provide or imply a certification or validation of any vendor's hardware or software. The onus to maintain and verify the certification and/or training of the DCOT camera, software and operator in accordance with ASTM D7520–16 and this letter is on the facility, DCOT operator, and DCOT vendor.

The voluntary consensus standard ASTM D6420–99 (Reapproved 2010), *Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography/Mass Spectrometry*, employs a direct interface

gas chromatograph/mass spectrometer (GCMS) to identify and quantify the 36 volatile organic compounds (or sub-set of these compounds). This ASTM procedure has been approved by the EPA as an alternative to EPA Method 18 only when the target compounds are all known and the target compounds are all listed in ASTM D6420 as measurable.

The VCS ASTM D6784–16, *Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method)*, is an acceptable alternative to the EPA Methods 101A and 29 (portion for mercury only) as a method for measuring mercury. This method applies to concentrations approximately 0.5–100 µg/Nm³. This test method describes equipment and procedures for obtaining samples from effluent ducts and stacks, equipment and procedures for laboratory analysis, and procedures for calculating results.

The ASTM standards are available from ASTM at <https://www.astm.org> or 1100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, telephone number: (610) 832–9500, fax number: (610) 832–9555 email address: service@astm.org.

The searches conducted for the 2022 proposal and 2023 supplemental proposal identified 26 VCS that were potentially applicable for these rules in lieu of the EPA reference methods. After reviewing the available standards, the EPA determined that 26 candidate VCS (ASTM D3154–00 (2014), ASTM D3464–96 (2014), ASTM 3796–09 (2016), ASTM D3796–90 (2004) ISO 10780:1994 (2016), ASME B133.9–1994 (2001), ISO 10396:(2007), ANSI/ASME PTC 19–10–1981—Part 10 (2010) Flue and Exhaust Gas Analyses—Instrumental Procedure Only, ISO 12039:2001 (2012), ASTM D5835–95 (2013), ASTM D6522–11, CAN/CSA Z223.2–M86 (R1999), ISO 9096:1992 (2003), ANSI/ASME PTC–38–1980 (1985), ASTM D3685/D3685M– 98–13, CAN/CSA Z223.1–M1977, National Institute of Occupational Safety and Health (NIOSH) Method 2010 “Amines, Aliphatic”, ASTM D6060–96 (2009), EN 1948–3 (2006), EN 1911–1,2,3 (1998), ASTM D6735–01 (2009), ISO 10397:1993, ASTM D6331 (2014), EN13211:2001, CAN/CSA Z223.26–M1987, ASTM E1979–21, ASTM D4358–05) identified for measuring emissions of pollutants or their surrogates subject to emission standards in the rule would not be practical due to lack of equivalency, documentation, validation data and other important technical and policy considerations. Additional information for the VCS

search and determinations can be found in the memorandums *Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review* (Docket ID No. EPA–HQ–OAR–2020–0430–0065) and *Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review and Voluntary Consensus Standard Results for National Emission Standards of Hazardous Air Pollutants: Primary Copper Smelting Supplemental Proposal* (Docket ID No. EPA–HQ–OAR–2020–0430–0150), which are available in the docket for this action. Under 40 CFR 63.7(f) and 63.8(f), a source may apply to the EPA to use alternative test methods or alternative monitoring requirements in place of any required testing methods, performance specifications or procedures in the final rule or any amendments.

The EPA is also incorporating by reference EPA/100/R–10/005, *Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin and Dioxin-Like Compounds*, December 2010. This is the international method of expressing toxicity equivalents for dioxins/furans where a recommended toxicity equivalent factor (TEF) is multiplied by each individual compound's (congener) emission concentration to calculate the toxic equivalent quotient (TEQ). To estimate risk associated with the mixture, the dose-response function for the index chemical is evaluated at this sum, which is an estimate of the total index chemical equivalent dose for the mixture components being considered. This method may be obtained from <https://www.epa.gov/sites/default/files/2013-09/documents/tefs-for-dioxin-epa-00-r-10-005-final.pdf>, or U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 272–0167, <https://www.epa.gov>.

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

The EPA believes that the human health or environmental conditions that

exist prior to this action result in or have the potential to result in disproportionate and adverse human health or environmental effects on communities with environmental justice concerns. The EPA evaluated the demographic characteristics of communities located near the major source facilities and determined that elevated cancer risks associated with emissions from these facilities disproportionately affect Native American, Hispanic, populations Below Poverty Level and Over 25 without High School Diploma individuals living nearby. As part of its environmental justice analysis, EPA evaluated whether the final action for the Primary Copper Smelting Major Source Category would address the existing disproportionately high and adverse human health effect on these individuals and EPA further evaluated the projected distribution of reductions in risk resulting from this action.

The EPA believes that this action is likely to reduce existing disproportionate and adverse effects on communities with environmental justice concerns. The agency estimated the MIR at Freeport will be reduced from 70-in-1 million to 20-in-1 million and the population with cancer risks greater than or equal to 1-in-1 million will be reduced from 21,875 to 16,962 because of this action. We estimate that the maximum chronic noncancer inhalation TOSHI will be reduced from 1 to less than 1 (0.3), and the acute HQ will be reduced from a value of 7 to 2 at Freeport. Given the uncertainties in the emissions data at Asarco and the short timeframe to complete the final rule, we did not evaluate the impact of the final standards on the population living in the vicinity of the Asarco facility. The standards in this final rule are estimated to reduce metal HAP emissions, primarily lead and arsenic, from this source category by 8.0 tpy.

The methodology and the results of the demographic analysis are presented in section V.F. of this preamble and in the technical report *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Primary Copper Smelting Source Category Operations—Final Rule* (Docket ID No. EPA-HQ-OAR-2020-0430). The information supporting this Executive order review is contained in section V.F. of this preamble.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United

States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Michael S. Regan,
Administrator.

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

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

- 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

- 2. Amend § 63.14 by revising paragraphs (f)(1) and (i)(95), (105), and (110) and adding paragraph (o)(30) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(f) * * *

(1) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], issued August 31, 1981, IBR approved for §§ 63.309(k); 63.365(b); 63.457(k); 63.772(e) and (h); 63.865(b); 63.997(e); 63.1282(d) and (g); 63.1450(a), (b), (d), and (e) through (g); 63.1625(b); table 5 to subpart EEEE; §§ 63.3166(a); 63.3360(e); 63.3545(a); 63.3555(a); 63.4166(a); 63.4362(a); 63.4766(a); 63.4965(a); 63.5160(d); table 4 to subpart UUUU; table 3 to subpart YYYY; §§ 63.7822(b); 63.7824(e); 63.7825(b); 63.8000(d); 63.9307(c); 63.9323(a); 63.9621(b) and (c); 63.11148(e); 63.11155(e); 63.11162(f); 63.11163(g); 63.11410(j); 63.11551(a); 63.11646(a); 63.11945; table 4 to subpart AAAAA; table 5 to subpart DDDDD; table 4 to subpart JJJJJ; table 4 to subpart KKKKK; table 4 to subpart SSSSS; tables 4 and 5 to subpart UUUUU; table 1 to subpart ZZZZZ; table 4 to subpart JJJJJJ.

* * * * *

(i) * * *

(95) ASTM D6420–99 (Reapproved 2010), Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, Approved October 1, 2010, IBR

approved for §§ 63.670(j); table 4 to subpart UUUU; 63.1450(f); 63.7142(b); appendix A to this part.

* * * * *

(105) ASTM D6784–16, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), Approved March 1, 2016; IBR approved for §§ 63.1450(d); 63.9621; table 5 to subpart UUUUU; appendix A to subpart UUUUU.

* * * * *

(110) ASTM D7520–16, Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere, approved April 1, 2016; IBR approved for §§ 63.1450(c), (e), and (g); 63.1453(h); 63.1625(b); table 3 to subpart LLLLL; §§ 63.7823(c) through (e); 63.7833(g); 63.11423(c).

* * * * *

(o) * * *

(30) EPA/100/R–10/005, Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin and Dioxin-Like Compounds, December 2010; IBR approved for § 63.1459 and table 2 to subpart QQQ. (Available at <https://www.epa.gov/sites/default/files/2013-09/documents/tefs-for-dioxin-epa-00-r-10-005-final.pdf>.)

* * * * *

- 3. Effective July 15, 2024, further amend § 63.14 by:

- a. Revising paragraphs (f)(1) and (i)(110);
- b. Redesignating paragraphs (o)(1) through (30) as paragraphs (o)(2) through (31); and
- c. Adding new paragraph (o)(1).

The revisions and addition read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(f) * * *

(1) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], issued August 31, 1981, IBR approved for §§ 63.116(c); 63.116 and (h); 63.128(a); 63.145(i); 63.309(k); 63.365(b); 63.457(k); 63.490(g); 63.772(e) and (h); 63.865(b); 63.997(e); 63.1282(d) and (g); 63.1450(a), (b), and (e) through (g); 63.1625(b); table 5 to subpart EEEE; §§ 63.3166(a); 63.3360(e); 63.3545(a); 63.3555(a); 63.4166(a); 63.4362(a); 63.4766(a); 63.4965(a); 63.5160(d); table 4 to subpart UUUU; table 3 to subpart YYYY; §§ 63.7822(b); 63.7824(e); 63.7825(b); 63.8000(d); 63.9307(c); 63.9323(a); 63.9621(b) and (c); 63.11148(e); 63.11155(e); 63.11162(f);

63.11163(g); 63.11410(j); 63.11551(a); 63.11646(a); 63.11945; table 4 to subpart AAAAA; table 5 to subpart DDDDD; table 4 to subpart JJJJJ; table 4 to subpart KKKKK; table 4 to subpart SSSSS; tables 4 and 5 to subpart UUUUU; table 1 to subpart ZZZZZ; table 4 to subpart JJJJJ.

* * * * *

(i) * * *

(110) ASTM D7520–16, Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere, approved April 1, 2016; IBR approved for §§ 63.1450(c), (e), and (g); 63.1453(h); 63.1625(b); table 3 to subpart LLLLL; §§ 63.7823(c) through (f), 63.7833(g); 63.11423(c).

* * * * *

(o) * * *

(1) EPA/100/R–10/005, Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin and Dioxin-Like Compounds, December 2010; IBR approved for § 63.1459 and table 2 to subpart QQQ. (Available at <https://www.epa.gov/sites/default/files/2013-09/documents/tefs-for-dioxin-epa-00-r-10-005-final.pdf>).

* * * * *

■ 4. Revise subpart QQQ, consisting of §§ 63.1440 through 63.1459, to read as follows:

Subpart QQQ—National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting

Sec.

- 63.1440 What is the purpose of this subpart?
- 63.1441 Am I subject to this subpart?
- 63.1442 What parts of my plant does this subpart cover?
- 63.1443 When do I have to comply with this subpart?
- 63.1444 What emissions limitations, work practice standards, and design standards must I meet for my copper concentrate dryers, smelting vessels, slag cleaning vessels, copper converter departments, anode refining departments, process fugitive emissions from roofline vents, and bypass stacks?
- 63.1445 What work practice standards must I meet for my fugitive dust sources?
- 63.1446 What alternative emission limitation may I meet for my combined gas streams?
- 63.1447 What are my operation and maintenance requirements?
- 63.1448 What are my general requirements for complying with this subpart?
- 63.1449 By what dates must I conduct performance tests or other initial compliance demonstrations?
- 63.1450 What test methods and other procedures must I use to demonstrate initial compliance with the emission limitations and design standards?
- 63.1451 How do I demonstrate initial compliance with the emission

limitations, work practice standards, design standards, and operation and maintenance requirements that apply to me?

- 63.1452 What are my monitoring requirements?
- 63.1453 How do I demonstrate continuous compliance with the emission limitations, work practice standards, design standards, and operation and maintenance requirements that apply to me?
- 63.1454 What notifications must I submit and when?
- 63.1455 What reports must I submit and when?
- 63.1456 What records must I keep and how long must I keep my records?
- 63.1457 What part of the general provisions apply to me?
- 63.1458 Who implements and enforces this subpart?
- 63.1459 What definitions apply to this subpart?
- Table 1 to Subpart QQQ of Part 63—Applicability of General Provisions to This Subpart
- Table 2 to Subpart QQQ of Part 63—Non-Mercury HAP Emission Limits
- Table 3 to Subpart QQQ of Part 63—2010 Toxic Equivalency Factors (TEFs)
- Table 4 to Subpart QQQ of Part 63—Compliance Dates for Amendments Being Promulgated on May 13, 2024
- Figure 1 to Subpart QQQ of Part 63—Data Summary Sheet for Determination of Average Opacity

Subpart QQQ—National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting

§ 63.1440 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for primary copper smelters. This subpart also establishes requirements to demonstrate initial and continuous compliance with all applicable emission limitations, work practice standards, design standards, and operation and maintenance requirements in this subpart.

§ 63.1441 Am I subject to this subpart?

You are subject to this subpart if you own or operate a primary copper smelter that is (or is part of) a major source of hazardous air pollutant (HAP) emissions on the first compliance date that applies to you (see § 63.1443). Your primary copper smelter is a major source of HAP if it emits or has the potential to emit any single HAP at the rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year.

§ 63.1442 What parts of my plant does this subpart cover?

(a) This subpart applies to each new and existing affected source at your

primary copper smelter. The affected sources are each copper concentrate dryer, each smelting vessel, each slag cleaning vessel, each copper converter department, each anode refining department, process fugitive emission sources (i.e., roofline vents) from smelting vessels, slag cleaning vessels, copper converter department and anode refining department, each bypass stack, and the entire group of fugitive dust sources, as defined in § 63.1459.

(b) The following affected sources: each copper concentrate dryer, each smelting vessel, each slag cleaning vessel, each copper converter department, and the entire group of fugitive dust sources at your primary copper smelter are existing if you commenced construction or reconstruction of the affected source before April 20, 1998.

(c) The following affected sources: each copper concentrate dryer, each smelting vessel, each slag cleaning vessel, each copper converter department and the entire group of fugitive dust sources at your primary copper smelter are new if you commenced construction or reconstruction of the affected source on or after April 20, 1998. An affected source is reconstructed if it meets the definition of “reconstruction” in § 63.2.

(d) The following affected sources: each anode refining department and process fugitive emission sources (i.e., roofline vents) from smelting vessels, slag cleaning vessels, copper converter department and anode refining department are existing if you commenced construction or reconstruction of the affected source before January 11, 2022.

(e) The following affected sources: each anode refining department and process fugitive emission sources (i.e., roofline vents) from smelting vessels, slag cleaning vessels, copper converter department and anode refining department at your primary copper smelter are new if you commenced construction or reconstruction of the affected source on or after January 11, 2022. An affected source is reconstructed if it meets the definition of “reconstruction” in § 63.2.

(f) The bypass stack is existing if you commenced construction or reconstruction of the affected source before July 24, 2023.

(g) The bypass stack is new if you commenced construction or reconstruction of the affected source on or after July 24, 2023. An affected source is reconstructed if it meets the definition of “reconstruction” in § 63.2.

§ 63.1443 When do I have to comply with this subpart?

(a) If you have an existing affected source, you must comply with each emission limitation, work practice standard, design standard, and operation and maintenance requirement in this subpart that applies to you no later than June 13, 2005, except as specified in table 4 to this subpart.

(b) If you have a new affected source and its initial startup date is on or before June 12, 2002, you must comply with each emission limitation, work practice standard, design standard, and operation and maintenance requirement in this subpart that applies to you by June 12, 2002, except as specified in table 4 to this subpart.

(c) If you have a new affected source and its initial startup date is after June 12, 2002, you must comply with each emission limitation, work practice standard, design standard, and operation and maintenance requirement in this subpart that applies to you upon initial startup, except as specified in table 4 to this subpart.

(d) If your primary copper smelter is an area source that becomes a major source of HAP (see § 63.1441), the compliance dates listed in paragraphs (d)(1) and (2) of this section apply to you.

(1) Any portion of the existing primary copper smelter that is a new affected source or a new reconstructed source must be in compliance with this subpart upon startup.

(2) All other parts of the primary copper smelter must be in compliance with this subpart no later than 3 years after it becomes a major source (see § 63.1441).

(e) You must meet the notification and schedule requirements in § 63.1454. Several of these notifications must be submitted before the compliance date for your affected source.

§ 63.1444 What emissions limitations, work practice standards, and design standards must I meet for my copper concentrate dryers, smelting vessels, slag cleaning vessels, copper converter departments, anode refining departments, process fugitive emissions from roofline vents, and bypass stacks?

(a) *Copper concentrate dryers.* For each copper concentrate dryer, you must comply with the emission limitation in paragraph (a)(1) or (2) of this section that applies to you.

(1) For each existing copper concentrate dryer, you must not cause to be discharged to the atmosphere from the dryer vent any gases that contain filterable particulate matter in excess of 50 milligrams per dry standard cubic

meter (mg/dscm) as measured using the test methods specified in § 63.1450(a).

(2) For each new copper concentrate dryer, you must not cause to be discharged to the atmosphere from the dryer vent any gases that contain filterable particulate matter in excess of 23 mg/dscm as measured using the test methods specified in § 63.1450(a).

(b) *Smelting vessels.* For each smelting vessel, you must comply with the emission limitations and work practice standards in paragraphs (b)(1) and (2) of this section.

(1) For each smelting vessel, you must not cause to be discharged to the atmosphere any process off-gas that contains nonsulfuric acid particulate matter in excess of 6.2 mg/dscm as measured using the test methods specified in § 63.1450(b). Process off-gas from a smelting vessel is generated when copper ore concentrates and fluxes are being smelted to form molten copper matte and slag layers.

(2) For each smelting vessel, you must control the process fugitive emissions released when tapping copper matte or slag from the smelting vessel according to paragraphs (b)(2)(i) and (ii) of this section.

(i) At all times when copper matte or slag is tapped from the smelting vessel, you must operate a capture system that collects the gases and fumes released from the tapping port in use. The design and placement of this capture system must be such that the tapping port opening, launder, and receiving vessel (e.g., ladle, slag pot) are positioned within the confines or influence of the capture system's ventilation draft during those times when the copper matte or slag is flowing from the tapping port opening.

(ii) You must not cause to be discharged to the atmosphere from the capture system used to comply with paragraph (b)(2)(i) of this section any gases that contain filterable particulate matter in excess of 23 mg/dscm as measured using the test methods specified in § 63.1450(a).

(c) *Slag cleaning vessels.* For each slag cleaning vessel, you must comply with the emission limitations and work practice standards in paragraphs (c)(1) through (3) of this section that apply to you.

(1) For each slag cleaning vessel, except as provided for in paragraph (c)(2) of this section, you must not cause to be discharged to the atmosphere any process off-gas that contains nonsulfuric acid particulate matter in excess of 6.2 mg/dscm as measured using the test methods specified in § 63.1450(b).

(2) As an alternative to complying with the emission limit for nonsulfuric

acid particulate matter in paragraph (c)(1) of this section, for each existing slag cleaning vessel you may choose to comply with the emission limit for filterable particulate matter specified in this paragraph (c)(2). You must not cause to be discharged to the atmosphere any process off-gas that contains filterable particulate matter in excess of 46 mg/dscm as measured using the test methods specified in § 63.1450(a).

(3) For each slag cleaning vessel, you must control process fugitive emissions released when tapping copper matte or slag from the slag cleaning vessel according to paragraphs (c)(3)(i) and (ii) of this section.

(i) At all times when copper matte or slag is tapped from the slag cleaning vessel, you must operate a capture system that collects the gases and fumes released from the tapping port in use. The design and placement of this capture system must be such that the tapping port opening, launder, and receiving vessel (e.g., ladle, slag pot) are positioned within the confines or influence of the capture system's ventilation draft during those times when the copper matte or slag is flowing from the tapping port opening.

(ii) You must not cause to be discharged to the atmosphere from the capture system used to comply with paragraph (c)(3)(i) of this section any gases that contain filterable particulate matter in excess of 23 mg/dscm as measured using the test methods specified in § 63.1450(a).

(d) *Existing copper converter departments.* For each existing copper converter department, you must comply with the emission limitations and work practice standards in paragraphs (d)(1) through (6) of this section that apply to you.

(1) You must operate a capture system that collects the process off gas vented from each batch copper converter. At all times when one or more batch copper converters are blowing, you must operate the capture system according to the written operation and maintenance plan that has been prepared according to the requirements in § 63.1447(b).

(2) If your copper converter department uses Peirce-Smith converters, the capture system design must include use of a primary hood that covers the entire mouth of the converter vessel when the copper converter is positioned for blowing. Additional hoods (e.g., secondary hoods) or other capture devices must be included in the capture system design as needed to achieve the opacity limit in paragraph (d)(4) of this section. The capture system design may use multiple intake

and duct segments through which the ventilation rates are controlled independently of each other, and individual duct segments may be connected to separate control devices.

(3) If your copper converter department uses Hoboken converters, the capture system must collect all process off-gas vented during blowing through the side-flue intake on each converter vessel.

(4) You must operate the capture system such that any visible emissions exiting the roof monitors or roof exhaust fans on the building housing the copper converter department meet the opacity limit as specified in paragraphs (d)(4)(i) and (ii) of this section.

(i) The opacity of any visible emissions exiting the roof monitors or roof exhaust fans on the building housing the copper converter department must not exceed 4 percent as determined by a performance test conducted according to § 63.1450(c).

(ii) The opacity limit in paragraph (d)(4)(i) of this section applies only at those times when a performance test is conducted according to § 63.1450(c). The requirements for compliance with opacity and visible emission standards specified in § 63.6(h) do not apply to this opacity limit.

(5) You must not cause to be discharged to the atmosphere from any Peirce-Smith converter primary hood capture system or Hoboken converter side-flue intake capture system any process off-gas that contains nonsulfuric acid particulate matter in excess of 6.2 mg/dscm as measured using the test methods specified in § 63.1450(b).

(6) You must not cause to be discharged to the atmosphere from any secondary capture system any gases that contain filterable particulate matter in excess of 23 mg/dscm as measured using the test methods specified in § 63.1450(a).

(e) *New copper converter departments.* For each new copper converter department for which construction commenced on or after April 20, 1998, the use of batch copper converters is prohibited. For each new copper converter department which will contain a copper converter other than a batch converter (such as a continuous converter), you must comply with the emission limitation and work practice standards in paragraphs (e)(1) and (2) of this section.

(1) You must not cause to be discharged to the atmosphere from any combination of stacks or other vents any captured process off-gas that contains filterable particulate matter greater than a daily (24-hour) average of 0.031 pounds of particulate matter per ton of

copper concentrate feed charged to the smelting vessel as measured using the test methods specified in § 63.1450(a).

(2) You must operate a capture system that collects the gases and fumes released from converting vessels and conveys the collected gas stream to a control device.

(f) *New and existing anode refining departments.* Except as provided in paragraph (f)(1) of this section, for each new and existing anode refining department, you must comply with the emission limitation and work practice standards in paragraphs (f)(2) and (3) of this section.

(1) If the anode refining department process exhaust gases are combined with the Hoboken converter process fugitive capture system, you must demonstrate compliance with the emission limitation and work practice standards in paragraph (g) of this section.

(2) For each new and existing anode refining department, you must not discharge to the atmosphere captured process exhaust gases from the anode refining furnaces containing filterable particulate matter emissions in excess of 5.8 mg/dscm as measured using the test methods specified in § 63.1450(a).

(3) You must operate a capture system that collects the process off-gases and fumes released from the anode refining department and convey the collected gas stream to a control device.

(g) *Existing combined anode refining department and Hoboken converter process fugitive capture system.* For each new and existing anode refining department and Hoboken converter process fugitive capture system, you must comply with the emission limitation and work practice standards in paragraphs (g)(1) through (3) of this section.

(1) You must not discharge to the atmosphere gases from the combination of the anode refining department and Hoboken converter process fugitive capture system filterable particulate matter emissions in excess of 4.1 mg/dscm as measured using the test methods specified in § 63.1450(a).

(2) You must operate a Hoboken converter process fugitive capture system that collects the process off-gases and fumes released from the copper converter department.

(3) You must operate a capture system that collects the process off-gases and fumes released from the anode refining department and convey the collected gas stream to a control device.

(h) *New and existing sources of process fugitive gases from the roofline vents associated with the smelting vessels, the slag cleaning vessels, copper*

converter department, and the anode refining department. You must not discharge to the atmosphere process fugitive gases from any combination of new and existing roofline vents associated with the smelting vessels, slag cleaning vessels, copper converter departments and the anode refining departments containing filterable particulate matter emissions in excess of 6.3 lb/hr as measured using the test methods specified in § 63.1450(e).

(i) *Baghouses.* For each baghouse applied to meet any filterable particulate matter emission limit in paragraphs (a) through (h) of this section, you must operate the baghouse such that the bag leak detection system does not alarm for more than 5 percent of the total operating time in any semiannual reporting period.

(j) *Venturi wet scrubbers.* For each venturi wet scrubber applied to meet any filterable particulate matter emission limit in paragraphs (a) through (h) of this section, you must comply with the site-specific operating limit(s) of maintaining the hourly average pressure drop and scrubber water flow rate established during the initial or subsequent performance test in accordance with § 63.1450(a)(4).

(k) *Other control devices.* For each control device other than a baghouse or venturi wet scrubber applied to meet any filterable particulate matter emission limit in paragraphs (a) through (h) of this section, you must operate the control device as specified in paragraphs (k)(1) and (2) of this section.

(1) You must select one or more operating parameters, as appropriate for the control device design, that can be used as representative and reliable indicators of the control device operation.

(2) You must maintain the hourly average value for each of the selected parameters at or above the minimum level or at or below the maximum level, as appropriate for the selected parameter, established during the initial or subsequent performance test in accordance with § 63.1450(a)(5).

(l) *Existing source mercury emissions.* You must not discharge exhaust gases to the atmosphere through any combination of stacks or other vents from copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessel and smelting vessels containing mercury emissions in excess of 0.033 lb/hr for existing sources as measured by the test methods in § 63.1450(d).

(m) *New source mercury emissions.* You must not discharge exhaust gases to the atmosphere through any combination of stacks or other vents

from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessel and smelting vessels containing mercury emissions in excess of 0.00097 lb/hr for new sources as measured by the test methods in § 63.1450(d).

(n) *Control devices for mercury.* For each control device applied to meet the mercury emission limit in paragraph (l) or (m) of this section, you must operate the control device as specified in paragraphs (n)(1) and (2) of this section.

(1) You must select one or more operating parameters, as appropriate for the control device design, that can be used as representative and reliable indicators of the control device operation.

(2) You must maintain the hourly average value for each of the selected parameters at or above the minimum level or at or below the maximum level, as appropriate for the selected parameter, established during the initial or subsequent performance test in accordance with § 63.1450(d)(3).

(o) *New and existing sources of benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene, and dioxins/furans emissions.* You must not discharge exhaust gases to the atmosphere through any combination of stacks or other vents from the copper concentrate dryers, copper converter department, the anode refining department, slag cleaning vessels and the smelting vessels in excess the emission limits in table 2 to this subpart as measured by the test methods in § 63.1450(f).

(p) *Existing sources of process fugitive gases from the combination of roofline vents associated with the Peirce-Smith converter department, Inco flash furnace, and anode refining department.* For any combination of new and existing roofline vents associated with the Peirce-Smith converter department, Inco flash furnace, and anode refining department, you must comply with the emission limitation and design standards in paragraph (p)(1) and (2) of this section.

(1) *Roofline emission limit for the Peirce-Smith converter department, Inco flash furnace, and anode refining department.* You must not discharge to the atmosphere process fugitive gases from any combination of existing roofline vents associated with the Peirce-Smith copper converter department, Inco flash furnace, and the anode refining department containing lead emissions in excess of 0.326 lb/hr as measured using the test methods specified in § 63.1450(g).

(2) *Design standards for the Peirce-Smith converter department, Inco flash furnace, and anode refining department.* You must comply with design standards in paragraphs (p)(2)(i) through (iii) of this section at all times when the primary copper smelter is operating, except as provided herein.

(i) *Flash furnace area capture system.* Operate hooding and interceptor walls with a design evacuation rate of at least 50,000 cfm hourly average to capture fugitive emissions from the flash furnace area, matte tapping and slag skimming areas, and route emissions to a control device whenever the flash furnace is in operation except for brief periods when slag is being returned to the flash furnace using the slag return launder.

(ii) *Fuming ladle capture system.* Operate hood and interceptor walls with a design evacuation rate of at least 40,000 cfm to capture fugitive emissions from fuming ladles in the converter aisle and material transfer areas, and route emissions to a control device whenever a fuming ladle is detected.

(iii) *Anode furnace secondary hood capture and control system.* Operate a secondary hood around each in-use anode furnace to capture process fugitive emissions and route emissions to a control device. The design evacuation rate for the total system of all anode furnace secondary hoods shall be at least 150,000 cfm hourly average.

(q) *Bypass stack work practice standards.* When using the bypass stack for planned maintenance of control devices and processes, the work practice standard is applicable for the bypass stack for the duration of the planned maintenance. You must comply with work practice standards in paragraphs (q)(1) through (3) of this section.

(1) In the case of planned control device or process maintenance, feed to the smelting vessel must cease; power to the electric furnace must be lowered, and a crust allowed to form on the surface of the slag; the operation of the converters must cease and the converters rolled out; and the operation of the anode vessels must cease.

(2) If the fan to the anode refining point source baghouse is functioning, then the residual process gases must be redirected to the control device. If the process gas from a device being maintained can be rerouted to a different control device instead of the bypass stack, it must be redirected to the control device. Control devices must be used until emissions are minimized.

(3) If there is a shutdown or emergency shutdown event, the control devices should continue to run until process emissions cease. If the control

devices are shut down before the process emissions cease and the bypass stack is used to vent the process gas to the atmosphere, there will be a violation of the emission and work practice standards.

§ 63.1445 What work practice standards must I meet for my fugitive dust sources?

(a) You must control particulate matter emissions from fugitive dust sources at your primary copper smelter by operating according to a written fugitive dust control plan that has been approved by the Administrator or approved authority under 40 CFR part 70 or 71. For the purpose of complying with this paragraph (a) you must submit a fugitive dust control plan which addresses the fugitive dust sources specified in paragraph (b) of this section and includes the information specified in paragraph (c) of this section on the schedule provided in paragraphs (e) and (f) of this section.

(b) Before November 12, 2024, your fugitive dust control plan must address each of the fugitive dust emission sources listed in paragraphs (b)(1) through (6), except paragraphs (b)(1)(i) and (ii), of this section that are located at your primary copper smelter. On or after November 12, 2024, your fugitive dust control plan must address each of the fugitive dust emission sources listed in paragraphs (b)(1) through (7) of this section that are located at your primary copper smelter.

(1) On-site roadways used by trucks or other motor vehicles (e.g., front-end loaders) when transporting bulk quantities of fugitive dust materials. Paved roads and parking areas that are not used by these vehicles do not need to be included in the plan (e.g., employee and visitor parking lots).

(i) You must conduct routine cleaning of paved roads with a sweeper, vacuum or wet broom (in accordance with applicable recommendations by the manufacturer of the street sweeper, vacuum, or wet broom), with such cleaning to occur no less frequently than on a daily basis unless the roads have sufficient surface moisture such that fugitive dust is not generated.

(ii) Chemical dust suppressants will be applied not less frequently than once per month at slag haul roads and not less frequently than every 6 weeks on all other unpaved roads unless the roads have sufficient surface moisture such that fugitive dust is not generated.

(2) Unloading of fugitive dust materials from trucks or railcars.

(3) Outdoor piles used for storage of fugitive dust materials.

(4) Bedding areas used for blending copper concentrate and other feed constituents.

(5) Each transfer point in conveying systems used to transport fugitive dust materials. These points include, but are not limited to, transfer of material from one conveyor belt to another and transfer of material to a hopper or bin.

(6) Other site-specific sources of fugitive dust emissions that the Administrator or delegated authority under 40 CFR part 70 or 71 designate to be included in your fugitive dust control plan.

(7) The cargo compartment of all trucks or other motor vehicles (e.g., front-end loaders) when transporting bulk quantities of fugitive dust materials must be maintained to ensure:

(i) The floor, sides, and/or tailgate(s) are free of holes or other openings.

(ii) All loads of trucks containing copper concentrate arriving at the facility are covered with a tarp to prevent spills and fugitive emissions.

(iii) Trucks are loaded only to such a level as to prevent spillage over the side.

(iv) A speed limit of 15 mph is required.

(v) All dust producing material internally transferred or moved by truck at the facility is covered with a tarp to prevent spills and fugitive emissions.

(c) Your fugitive dust control plan must describe the control measures you use to control fugitive dust emissions from each source addressed in the plan, as applicable and appropriate for your site conditions. Examples of control measures include, but are not limited to, locating the source inside a building or other enclosure, installing and operating a local hood capture system over the source and venting the captured gas stream to a control device, placing material stockpiles below grade, installing wind screens or wind fences around the source, spraying water on the source as weather conditions require, applying appropriate dust suppression agents on the source, or combinations of these control measures.

(d) The requirement for you to operate according to a written fugitive dust control plan must be incorporated in your operating permit that is issued by the approved authority under 40 CFR part 70 or 71. A copy of your fugitive dust control plan must be sent to the approved authority under 40 CFR part 70 or 71 on or before the compliance date for your primary copper smelter, as specified in § 63.1443 or paragraph (b) of this section.

(e) For any element of the fugitive dust control plan that requires new construction at the facility, the owner or operator shall complete such construction, in accordance with the specifications and schedule set forth in the approved fugitive dust control plan.

(f) The fugitive dust control plan must be reviewed, updated (if necessary), and then submitted to the approved permitting authority under 40 CFR part 70 or 71 with each application for the title V operating permit renewal and with each permit application for the construction or modification of lead-bearing fugitive dust generating sources. On or after November 12, 2024, the owner or operator must submit a copy fugitive dust plan in PDF format to the EPA via Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov>) following the procedure specified in §§ 63.1455(e) and 63.9(k).

§ 63.1446 What alternative emission limitation may I meet for my combined gas streams?

(a) For situations where you combine gas streams from two or more affected sources for discharge to the atmosphere through a single vent, you may choose to meet the requirements in paragraph (b) of this section as an alternative to complying with the individual filterable particulate matter emission limits specified in § 63.1444 that apply to you. This alternative emission limit for a combined gas stream may be used for any combination of the affected source

gas streams specified in paragraphs (a)(1) through (6) of this section.

(1) Gas stream discharged from a copper concentrate dryer vent that would otherwise be subject to § 63.1444(a)(1) or (2);

(2) Gas stream discharged from a smelting vessel capture system that would otherwise be subject to § 63.1444(b)(2)(ii);

(3) Process off-gas stream discharged from a slag cleaning vessel that would otherwise be subject to § 63.1444(c)(2);

(4) Gas stream discharged from a slag cleaning vessel capture system that would otherwise be subject to § 63.1444(c)(3)(ii);

(5) Gas stream discharged from an existing batch copper converter secondary capture system that would otherwise be subject to § 63.1444(d)(6); and

(6) Gas stream discharged from anode refining departments that would otherwise be subject to § 63.1444(f)(2).

(b) You must meet the requirements specified in paragraphs (b)(1) and (2) of this section for the combined gas stream discharged through a single vent.

(1) For each combined gas stream discharged through a single vent, you must not cause to be discharged to the atmosphere any gases that contain filterable particulate matter in excess of the emission limit calculated using the procedure in paragraph (b)(2) of this section and measured using the test methods specified in § 63.1450(a).

(2) You must calculate the alternative filterable particulate matter emission limit for your combined gas stream using equation 1 to this paragraph (b)(2). The volumetric flow rate value for each of the individual affected source gas streams that you use for equation 1 (i.e., the flow rate of the gas stream discharged from the affected source but before this gas stream is combined with the other gas streams) is to be the average of the volumetric flow rates measured using the test method specified in § 63.1450(a)(1)(ii):

Equation 1 to Paragraph (b)(2)

$$E_{Alt} = \frac{E_d Q_d + E_{sv} Q_{sv} + E_{scvp} Q_{scvp} + E_{scvf} Q_{scvf} + E_{cc} Q_{cc} + E_{ard} Q_{ard}}{Q_d + Q_{sv} + Q_{scvp} + Q_{scvf} + Q_{cc} + Q_{ard}}$$

Where:

E_{Alt} = Alternative filterable particulate matter emission limit for the combined gas stream discharged to atmosphere through a single vent (mg/dscm);

E_d = Filterable particulate matter emission limit applicable to copper concentrate dryer as specified in § 63.1444(a)(1) or (2) (mg/dscm);

Q_d = Copper concentrate dryer exhaust gas stream volumetric flow rate before being combined with other gas streams (dscm/hr);

E_{sv} = Filterable particulate matter emission limit for smelting vessel capture system as specified in § 63.1444(b)(2)(ii) (mg/dscm);

Q_{sv} = Smelting vessel capture system exhaust gas stream volumetric flow rate before being combined with other gas streams (dscm/hr);

E_{scvp} = Filterable particulate matter emission limit for slag cleaning vessel process off-gas as specified in § 63.1444(c)(2) (mg/dscm);

Qscvp = Slag cleaning vessel process off-gas volumetric flow rate before being combined with other gas streams (dscm/hr);

Escvf = Filterable particulate matter emission limit for slag cleaning vessel capture system as specified in § 63.1444(c)(3)(ii) (mg/dscm);

Qscvf = Slag cleaning vessel capture system exhaust gas stream volumetric flow rate before being combined with other gas streams (dscm/hr);

Ecc = Filterable particulate matter emission limit for the existing batch copper converter secondary capture system as specified in § 63.1444(d)(6) (mg/dscm);

Qcc = Batch copper converter capture system exhaust gas stream volumetric flow rate before being combined with other gas streams (dscm/hr);

E_{ard} = Filterable particulate matter emission limit for the anode refining department as specified in § 63.1444(f)(2); and

Q_{ard} = Anode refining department exhaust gas stream volumetric flow rate before being combined with other gas streams (dscm/hr).

(c) For each baghouse applied to meet any filterable particulate matter emission limit in paragraph (b) of this section, you must operate the baghouse such that the bag leak detection system does not alarm for more than 5 percent of the total operating time in any semiannual reporting period.

(d) For each venturi wet scrubber applied to meet any filterable particulate matter emission limit in paragraph (b) of this section, you must maintain the hourly average pressure drop and scrubber water flow rate at or above the minimum levels established during the initial or subsequent performance test in accordance with § 63.1450(a)(4).

(e) For each control device other than a baghouse or venturi wet scrubber applied to meet any filterable particulate matter emission limit in paragraph (b) of this section, you must operate the control device as specified in paragraphs (e)(1) and (2) of this section.

(1) You must select one or more operating parameters, as appropriate for the control device design, that can be used as representative and reliable indicators of the control device operation.

(2) You must maintain the hourly average value for each of the selected parameters at or above the minimum level or at or below the maximum level, as appropriate for the selected parameter, established during the initial or subsequent performance test in accordance with § 63.1450(a)(5).

§ 63.1447 What are my operation and maintenance requirements?

(a) Before November 12, 2024, as required by § 63.6(e)(1)(i), you must

always operate and maintain your affected source, including air pollution control and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by this subpart. On or after November 12, 2024, at all times, you must maintain and operate any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved.

Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(b) You must prepare and operate at all times according to a written operation and maintenance plan for each capture system and control device subject to standards in § 63.1444 or § 63.1446. The plan must address the requirements in paragraphs (b)(1) through (4) of this section as applicable to the capture system or control device.

(1) *Preventative maintenance.* You must perform preventative maintenance for each capture system and control device according to written procedures specified in your operation and maintenance plan. The procedures must include a preventative maintenance schedule that is consistent with the manufacturer's instructions for routine and long-term maintenance.

(2) *Capture system inspections.* You must conduct monthly inspections of the equipment components of the capture system that can affect the performance of the system to collect the gases and fumes emitted from the affected source (e.g., hoods, exposed ductwork, dampers, fans) according to written procedures specified in your operation and maintenance plan. The inspection procedure must include the requirements in paragraphs (b)(2)(i) through (iii) of this section as applicable to the capture system or control device.

(i) Observations of the physical appearance of the equipment to confirm the physical integrity of the equipment (e.g., verify by visual inspection no holes in ductwork or hoods, no flow

constrictions caused by dents, or accumulated dust in ductwork).

(ii) Inspection, and if necessary testing, of equipment components to confirm that the component is operating as intended (e.g., verify by appropriate measures that flow or pressure sensors, damper plates, automated damper switches and motors are operating according to manufacture or engineering design specifications).

(iii) In the event that a defective or damaged component is detected during an inspection, you must initiate corrective action according to written procedures specified in your operation and maintenance plan to correct the defect or deficiency as soon as practicable.

(3) *Copper converter department capture system operating limits.* You must establish, according to the requirements in paragraph (b)(3)(i) through (iii) of this section, operating limits for the capture system that are representative and reliable indicators of the performance of capture system when it is used to collect the process off-gas vented from batch copper converters during blowing.

(i) Select operating limit parameters appropriate for the capture system design that are representative and reliable indicators of the performance of the capture system when it is used to collect the process off-gas vented from batch copper converters during blowing. At a minimum, you must use appropriate operating limit parameters that indicate the level of the ventilation draft and the damper position settings for the capture system when operating to collect the process off-gas from the batch copper converters during blowing. Appropriate operating limit parameters for ventilation draft include, but are not limited to, volumetric flow rate through each separately ducted hood, total volumetric flow rate at the inlet to control device to which the capture system is vented, fan motor amperage, or static pressure. Any parameter for damper position setting may be used that indicates the duct damper position relative to the fully open setting.

(ii) For each operating limit parameter selected in paragraph (b)(3)(i) of this section, designate the value or setting for the parameter at which the capture system operates during batch copper converter blowing. If your blister copper production operations allow for more than one batch copper converter to be operating simultaneously in the blowing mode, designate the value or setting for the parameter at which the capture system operates during each possible batch copper converter blowing configuration that you may operate at

your smelter (*i.e.*, the operating limits with one converter blowing, with two converters blowing, with three converters blowing, as applicable to your smelter).

(iii) Include documentation in the plan to support your selection of the operating limits established for the capture system. This documentation must include a description of the capture system design, a description of the capture system operation during blister copper production, a description of each selected operating limit parameter, a rationale for why you chose the parameter, a description of the method used to monitor the parameter according to the requirements in § 63.1452(a), and the data used to set the value or setting for the parameter for each of your batch copper converter configurations.

(4) *Baghouse leak detection corrective actions.* In the event a bag leak detection system alarm is triggered, you must initiate corrective action according to written procedures specified in your operation and maintenance plan to determine the cause of the alarm within 1 hour of the alarm, initiate corrective action to correct the cause of the problem within 24 hours of the alarm, and complete the corrective action as soon as practicable. Corrective actions may include, but are not limited to, the activities listed in paragraphs (b)(3)(i) through (vi) of this section.

(i) Inspecting the baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in emissions.

(ii) Sealing off defective bags or filter media.

(iii) Replacing defective bags or filter media or otherwise repairing the control device.

(iv) Sealing off a defective baghouse compartment.

(v) Cleaning the bag leak detection system probe, or otherwise repair the bag leak detection system.

(vi) Shutting down the process producing the particulate emissions.

§ 63.1448 What are my general requirements for complying with this subpart?

(a) Before November 12, 2024, you must be in compliance with the emission limitations, work practice standards, and operation and maintenance requirements in this subpart at all times, except during periods of startup, shutdown, and malfunction as defined in § 63.2. On or after November 12, 2024, you must be in compliance with the emission limitations, work practice standards, design standards, and operation and

maintenance requirements in this subpart at all times.

(b) During the period between the compliance date specified for your affected source in § 63.1443, and the date upon which continuous monitoring systems have been installed and certified and any applicable operating limits have been set, you must maintain a log detailing the operation and maintenance of the process and emissions control equipment.

(c) Before November 12, 2024, you must develop a written startup, shutdown, and malfunction plan according to the provisions in § 63.6(e)(3). For affected sources, a startup, shutdown, and malfunction plan is not required on or after November 12, 2024.

§ 63.1449 By what dates must I conduct performance tests or other initial compliance demonstrations?

(a) As required in § 63.7(a)(2), you must conduct a performance test within 180 calendar days of the compliance date that is specified in § 63.1443 for your affected source to demonstrate initial compliance with each emission and opacity limit in §§ 63.1444 and 63.1446 that applies to you.

(b) For each work practice standard and operation and maintenance requirement that applies to you where initial compliance is not demonstrated using a performance test or opacity observation, you must demonstrate initial compliance within 30 calendar days after the compliance date that is specified for your affected source in § 63.1443.

§ 63.1450 What test methods and other procedures must I use to demonstrate initial compliance with the emission limitations and design standards?

(a) *Filterable particulate matter emission limits.* Before November 12, 2024, you must conduct each performance test to determine compliance with the filterable particulate matter emission limits in § 63.1444 or § 63.1446 that apply to you according to the requirements for representative test conditions specified in § 63.7(e)(1) and using the test methods and procedures in paragraphs (a)(1) through (5) of this section. On or after November 12, 2024, you must conduct each performance test to determine compliance with the filterable particulate matter emission limits in § 63.1444 or § 63.1446 that apply to you according to the requirements for representative test conditions specified in paragraph (a)(6) of this section and using the test methods and procedures in paragraphs (a)(1) through (5) of this section.

(1) Determine the concentration of filterable particulate matter according to the test methods in appendices A–1 through A–8 to 40 CFR part 60 as specified in paragraphs (a)(1)(i) through (v) of this section.

(i) Method 1 to select sampling port locations and the number of traverse points. Sampling ports must be located at the outlet of the control device and prior to any releases to the atmosphere.

(ii) Method 2, 2F, or 2G to determine the volumetric flow rate of the stack gas.

(iii) Method 3, 3A, or 3B to determine the dry molecular weight of the stack gas. The ANSI/ASME PTC 19–10–1981 Part 10 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 3B manual portion only but not the instrumental portion.

(iv) Method 4 to determine the moisture content of the stack gas.

(v) Method 5, 5D, or 17, as applicable, to determine the concentration of filterable particulate matter.

(2) As an alternative to using the applicable method specified in paragraph (a)(1)(v) of this section, you may determine filterable particulate matter emissions from the control device using Method 29 in appendix A–8 to 40 CFR part 60 provided that you follow the procedures and precautions prescribed in Method 29. If the control device is a positive pressure baghouse, you must also follow the measurement procedure specified in sections 8.1 through 8.3 of Method 5D in appendix A–3 to 40 CFR part 60.

(3) You must conduct three separate test runs for each performance test. Each test run must have a minimum sampling time of 60 minutes and a minimum sampling volume of 0.85 dscm. For the purpose of determining compliance with the applicable filterable particulate matter emission limit, the arithmetic mean of the results for the three separate test runs is used.

(4) For a venturi wet scrubber applied to emissions from an affected source and subject to emission limits and work practice standards in § 63.1444(j) or § 63.1446(d) for pressure drop and scrubber water flow rate, you must establish site-specific operating limits according to the procedures in paragraphs (a)(4)(i) and (ii) of this section.

(i) Using the continuous parameter monitoring system (CPMS) required in § 63.1452, measure and record the pressure drop and scrubber water flow rate during each run of the particulate matter performance test.

(ii) Compute and record the hourly average pressure drop and scrubber water flow rate for each individual test run. Your operating limits are the lowest

average pressure drop and scrubber water flow rate value in any of the three runs that meet the applicable emission limit.

(5) For a control device other than a baghouse or venturi wet scrubber applied to emissions from an affected source and subject to work practice standards and emission limit(s) in § 63.1444(k) or § 63.1446(e) for appropriate, site-specific operating parameters that are representative and reliable indicators of the control device performance, you must establish a site-specific operating limit(s) according to the procedures in paragraphs (a)(5)(i) through (iv) of this section.

(i) Select one or more operating parameters, as appropriate for the control device design, that can be used as representative and reliable indicators of the control device operation.

(ii) Using the CPMS required in § 63.1452, measure and record the selected operating parameters for the control device during each run of the filterable particulate matter performance test.

(iii) Compute and record the hourly average value for each of the selected operating parameters for each individual test run. Your operating limits are the lowest value or the highest value, as appropriate for the selected operating parameter, measured in any of the three runs that meet the applicable emission limit.

(iv) You must prepare written documentation to support your selection of the operating parameters used for the control device. This documentation must include a description of each selected parameter, a rationale for why you chose the parameter, a description of the method used to monitor the parameter, and the data recorded during the performance test and used to set the operating limit(s).

(6) You must conduct each performance test that applies to your affected source under normal operating conditions of the affected source. The owner or operator may not conduct performance tests during periods of malfunction. The use of the bypass stack during a performance test of the process shall invalidate the performance test. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent the entire range of normal operation, including operational conditions for maximum emissions if such emissions are not expected during maximum production. The owner or operator shall make available to the

Administrator such records as may be necessary to determine the conditions of performance tests.

(b) *Nonsulfuric acid particulate matter emission limits.* Before November 12, 2024, you must conduct each performance test to determine compliance with the nonsulfuric acid particulate matter emission limits in § 63.1444 that apply to you according to the requirements for representative test conditions specified in § 63.7(e)(1) and using the test methods and procedures in paragraphs (b)(1) and (2) of this section. On or after November 12, 2024, you must conduct each performance test to determine compliance with the nonsulfuric acid particulate matter emission limits in § 63.1444 that apply to you according to the requirements for representative test conditions specified in paragraph (b)(4) of this section and using the test methods and procedures in paragraphs (b)(1) through (3) of this section.

(1) Determine the concentration of nonsulfuric acid particulate matter according to the test methods in appendices A–1 through A–8 to 40 CFR part 60 as specified in paragraphs (b)(1)(i) through (v) of this section.

(i) Method 1 to select sampling port locations and the number of traverse points. Sampling ports must be located at the outlet of the control device and prior to any releases to the atmosphere.

(ii) Method 2, 2F, or 2G to determine the volumetric flow rate of the stack gas.

(iii) Method 3, 3A, or 3B to determine the dry molecular weight of the stack gas. The ANSI/ASME PTC 19–10–1981 Part 10 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 3B manual portion only but not the instrumental portion.

(iv) Method 4 to determine the moisture content of the stack gas.

(v) Method 5B to determine the nonsulfuric acid particulate matter emissions.

(2) You must conduct three separate test runs for each performance test. Each test run must have a minimum sampling time of 240 minutes and a minimum sampling volume of 3.4 dscm. For the purpose of determining compliance with the nonsulfuric acid particulate matter emission limit, the arithmetic mean of the results for the three separate test runs is used.

(3) For a control device applied to emissions from an affected source and subject to work practice standards and emission limit(s) in § 63.1444(i), (j), or (k) or § 63.1446(e) for appropriate, site-specific operating parameters that are representative and reliable indicators of the control device performance, you must establish a site-specific operating

limit(s) according to the procedures in paragraphs (a)(5)(i) through (iv) of this section.

(4) You must conduct each performance test that applies to your affected source under normal operating conditions of the affected source. The owner or operator may not conduct performance tests during periods of malfunction. The use of the bypass stack during a performance test of the process shall invalidate the performance test. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent the entire range of normal operation, including operational conditions for maximum emissions if such emissions are not expected during maximum production. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(c) *Copper converter department capture system opacity limit.* You must conduct each performance test to determine compliance with the opacity limit in § 63.1444 using the test methods and procedures in paragraphs (c)(1) through (9) of this section and during the particulate matter performance test.

(1) You must conduct the performance test during the period when the primary copper smelter is operating under conditions representative of the smelter's normal blister copper production rate. You may not conduct a performance test during a malfunction. Before conducting the performance test, you must prepare a written test plan specifying the copper production conditions to be maintained throughout the opacity observation period and including a copy of the written documentation you have prepared according to paragraph (a)(3) of this section to support the established operating limits for the copper converter department capture system. You must submit a copy of the test plan for review and approval by the Administrator or delegated authority. During the observation period, you must collect appropriate process information and copper converter department capture system operating information to prepare documentation sufficient to verify that all opacity observations were made during the copper production and capture system operating conditions specified in the approved test plan.

(2) You must notify the Administrator or delegated authority before conducting the opacity observations to allow the Administrator or delegated authority the opportunity to have authorized

representatives attend the test. Written notification of the location and scheduled date for conducting the opacity observations must be received by the Administrator on or before 30 calendar days before this scheduled date.

(3) You must gather the data needed for determining compliance with the opacity limit using qualified visible emission observers and process monitors as described in paragraphs (c)(3)(i) and (ii) of this section.

(i) Opacity observations must be performed by a sufficient number of qualified visible emission observers to obtain two complete concurrent sets of opacity readings for the required observation period. Each visible emission observer must be certified as a qualified observer by the procedure specified in section 3 of Method 9 in appendix A–4 to 40 CFR part 60. The entire set of readings during the required observation period does not need to be made by the same two observers. More than two observers may be used to allow for substitutions and provide for observer rest breaks. The owner or operator must obtain proof of current visible emission reading certification for each observer. ASTM D7520–16 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 9 with the specified conditions in paragraphs (c)(3)(i)(A) through (E) of this section.

(A) During the digital camera opacity technique (DCOT) certification procedure outlined in section 9.2 of ASTM D7520–16, you or the DCOT vendor must present the plumes in front of various backgrounds of color and contrast representing conditions anticipated during field use such as blue sky, trees, and mixed backgrounds (clouds and/or a sparse tree stand).

(B) You must also have standard operating procedures in place including daily or other frequency quality checks to ensure the equipment is within manufacturing specifications as outlined in section 8.1 of ASTM D7520–16.

(C) You must follow the record keeping procedures outlined in § 63.10(b)(1) for the DCOT certification, compliance report, data sheets, and all raw unaltered JPEGs used for opacity and certification determination.

(D) You or the DCOT vendor must have a minimum of four (4) independent technology users apply the software to determine the visible opacity of the 300 certification plumes. For each set of 25 plumes, the user may not exceed 15% opacity of anyone reading and the average error must not exceed 7.5% opacity.

(E) This approval does not provide or imply a certification or validation of any vendor's hardware or software. The onus to maintain and verify the certification and/or training of the DCOT camera, software and operator in accordance with ASTM D7520–16 and this letter is on the facility, DCOT operator, and DCOT vendor.

(ii) A person (or persons) familiar with the copper production operations conducted at the smelter must serve as the indoor process monitor. The indoor process monitor is stationed at a location inside the building housing the batch copper converters such that he or she can visually observe and record operations that occur in the batch copper converter aisle during the times that the visible emission observers are making opacity readings. More than one indoor process monitor may be used to allow for substitutions and provide for rest breaks.

(4) You must make all opacity observations using Method 9 in appendix A–4 to 40 CFR part 60 and following the procedures described in paragraphs (c)(4)(i) and (ii) of this section. ASTM D7520–16 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 9 with the specified conditions in paragraphs (c)(3)(i)(A) through (E) of this section.

(i) Each visible emission observer must make his or her readings at a position from the outside of the building that houses the copper converter department such that the observer's line-of-sight is approximately perpendicular to the longer axis of the converter building, and the observer has an unobstructed view of the building roof monitor sections or roof exhaust fan outlets that are positioned over each of the batch copper converters inside the building. Opacity readings can only be made during those times when the observer's position meets the sun orientation and other conditions specified in section 2.1 of Method 9 in appendix A–4 to 40 CFR part 60.

(ii) At 15-second intervals, each visible emission observer views the building roof monitor sections or roof exhaust fan outlets that are positioned over each of the batch copper converters inside the building and reads the opacity of the visible plumes. If no plume is visible, the observer records zero as the opacity value for the 15-second interval. In situations when it is possible for an observer to distinguish two or more visible emission plumes from the building roof monitor sections or roof exhaust fan outlets, the observer must identify, to the extent feasible, the plume having the highest opacity and

record his or her opacity reading for that plume as the opacity value for the 15-second interval.

(5) You must make opacity observations for a period of sufficient duration to obtain a minimum of 120 1-minute intervals during which at least one copper converter is blowing and no interferences have occurred from other copper production events, as specified in paragraph (c)(7) of this section, which generate visible emissions inside the building that potentially can interfere with the visible emissions from the converter capture systems as seen by the outside observers. To obtain the required number of 1-minute intervals, the observation period may be divided into two or more segments performed on the same day or on different days if conditions prevent the required number of opacity readings from being obtained during one continuous time period. Examples of these conditions include, but are not limited to, changes in the sun's orientation relative to visible emission observers' positions such that the conditions in Method 9 in appendix A–4 to 40 CFR part 60 are no longer met or an unexpected thunderstorm. If the total observation period is divided into two or more segments, all opacity observations must be made during the same set of copper production conditions described in your approved test plan as required by paragraph (c)(1) of this section.

(6) You must gather indoor process information during all times that the visible emission observers are making opacity readings outside the building housing the copper converter department. The indoor process monitor must continually observe the operations occurring in the copper converter department and prepare a written record of his or her observations using the procedure specified in paragraphs (c)(6)(i) through (iv) of this section.

(i) At the beginning of each observation period or segment, the clock time setting on the watch or clock to be used by the indoor process monitor must be synchronized with the clock time settings for the timepieces to be used by the outdoor opacity observers.

(ii) During each period or segment when opacity readings are being made by the visible emission observers, the indoor process monitor must continuously observe the operations occurring in the copper converter department and record his or her observations in a log book, on data sheets, or other type of permanent written format.

(iii) When a batch copper converter is blowing, a record must be prepared for the converter that includes, but is not

limited to, the clock times for when blowing begins and when blowing ends and the converter blowing rate. This information may be recorded by the indoor process monitor or by a separate, automated computer data system.

(iv) The process monitor must record each event other than converter blowing that occurs in or nearby the converter aisle that he or she observes to generate visible emissions inside the building. The recorded entry for each event must include, but is not limited to, a description of the event and the clock times when the event begins and when the event ends.

(7) You must prepare a summary of the data for the entire observation period using the information recorded during the observation period by the outdoor visible emission observers and the indoor process monitor and the procedure specified in paragraphs (c)(7)(i) through (iv) of this section.

(i) Using the field data sheets, identify the 1-minute clock times for which a total of eight opacity readings were made and recorded by both observers at 15-second intervals according to the test procedures (i.e., a total of four opacity values have been recorded for the 1-minute interval by each of the two observers). Calculate the average of the eight 15-second interval readings recorded on the field data sheets by the two observers during the clock time minute interval (add the four consecutive 15-second interval opacity readings made by Observer A during the specified clock time minute, plus the four consecutive 15-second interval opacity readings made by Observer B during the same clock time minute, and divide the resulting total by eight). Record the clock time and the opacity

average for the 1-minute interval on a data summary sheet. Figure 1 to this subpart shows an example of the format for the data summary sheet you may use, but are not required to use.

(ii) Using the data summary sheets prepared according to paragraph (c)(7)(i) of this section and the process information recorded according to paragraph (c)(6)(iii) of this section, identify those 1-minute intervals for which at least one of the batch copper converters was blowing.

(iii) Using the data summary sheets prepared according to paragraph (c)(7)(ii) of this section and the process information recorded according to paragraph (c)(6)(iv) of this section, identify the 1-minute intervals during which at least one copper converter was blowing but none of the interference events listed in paragraphs (c)(7)(iii)(A) through (F) of this section occurred. Other ancillary activities not listed but conducted in or adjacent to the converter aisle during the opacity observations are not considered to be interference events (e.g., converter aisle cleaning, placement of smoking ladles or skulls on the converter aisle floor).

(A) Charging of copper matte, reverts, or other materials to a batch copper converter;

(B) Skimming slag or other molten materials from a batch copper converter;

(C) Pouring of blister copper or other molten materials from a batch copper converter;

(D) Return of slag or other molten materials to the flash smelting vessel or slag cleaning vessel;

(E) Roll-out or roll-in of the batch copper converter; or

(F) Smoke and fumes generated inside the converter building by operation of

the smelting vessel, the slag cleaning vessel (if used), anode refining and casting processes that drift into the copper converter department.

(iv) Using the data summary sheets prepared according to paragraph (c)(7)(iii) of this section, up to five 1-minute intervals following an interference event may be eliminated from data used for the compliance determination calculation specified in paragraph (c)(8) of this section by applying a time delay factor. The time delay factor must be a constant number of minutes not to exceed 5 minutes that is added to the clock time recorded when cessation of the interference event occurs. The same time delay factor must be used for all interference events (i.e., a constant time delay factor for the smelter of 1 minute, 2 minutes, 3 minutes, 4 minutes, or 5 minutes). The number of minutes to be used for the time delay factor is determined based on the site-specific equipment and converter building configuration. An explanation of the rationale for selecting the value used for the time delay factor must be prepared and included in the test report.

(8) You must use the data summary prepared in paragraph (c)(7) of this section to calculate the average opacity value for a minimum of 120 1-minute intervals during which at least one copper converter was blowing with no interference events as determined according to paragraphs (c)(7)(iii) and (iv) of this section. Average opacity is calculated using equation 1 to this paragraph (c)(8):

Equation 1 to paragraph (c)(8)

$$VE_{ave} = \frac{1}{n} \sum_{i=1}^n VE_i$$

Where:

VE_{ave} = Average opacity to be used for compliance determination (percent);

n = Total number of 1-minute intervals during which at least one copper converter was blowing with no interference events as determined according to paragraphs (c)(7)(iii) and (iv) of this section (at least 120 1-minute intervals);

i = 1-minute interval "i" during which at least one copper converter was blowing with no interference events as determined according to paragraphs (c)(7)(iii) and (iv) of this section; and

VE_i = Average opacity value calculated for the eight opacity readings recorded during 1-minute interval "i" (percent).

(9) You must certify that the copper converter department capture system operated during the performance test at the operating limits established in your capture system operation and maintenance plan using the procedure specified in paragraphs (c)(9)(i) through (iv) of this section.

(i) Concurrent with all opacity observations, measure and record values for each of the operating limit parameters in your capture system operation and maintenance plan according to the monitoring requirements specified in § 63.1452(a).

(ii) For any dampers that are manually set and remain in the same position at all times the capture system is operating, the damper position must be visually checked and recorded at the beginning and end of each opacity observation period segment.

(iii) Review the recorded monitoring data. Identify and explain any times during batch copper converter blowing when the capture system operated outside the applicable operating limits.

(iv) Certify in your performance test report that during all observation period segments, the copper converter department capture system was

operating at the values or settings established in your capture system operation and maintenance plan.

(d) *Mercury emissions.* You must conduct each performance test to determine compliance with the mercury emission limits in § 63.1444 that apply to you according to the requirements for representative test conditions specified in paragraph (d)(4) of this section and using the test methods and procedures in paragraphs (d)(1) through (3) of this section.

(1) Determine the concentration of mercury according to the test methods in appendices A–1 through A–8 to 40 CFR part 60 as specified in paragraphs (d)(1)(i) through (v) of this section.

(i) Method 1 to select sampling port locations and the number of traverse points. Sampling ports must be located at the outlet of the control device and prior to any releases to the atmosphere.

(ii) Method 2, 2F, or 2G to determine the volumetric flow rate of the stack gas.

(iii) Method 3, 3A, or 3B to determine the dry molecular weight of the stack gas. The ANSI/ASME PTC 19–10–1981 Part 10 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 3B manual portion only but not the instrumental portion.

(iv) Method 4 to determine the moisture content of the stack gas.

(v) Method 29, 30A, or 30B, as applicable, to determine the concentration of mercury. You can also use ASTM D6784–16 (incorporated by reference, see § 63.14) or equivalent.

(2) You must conduct three separate test runs for each performance test. Duration of sampling is at least two hours per run. If performing measurements using Method 29 in appendix A–8 to 40 CFR part 60, you must collect a minimum sample volume of 1.7 dscm (60 dscf). For the purpose of determining compliance with the applicable mercury emission limit, the arithmetic mean of the results for the three separate test runs is used.

(3) For a control device or process operating parameter applied to emissions from an affected source and subject to site-specific operating limit(s) in § 63.1444(n) for appropriate, site-specific operating parameters that are representative and reliable indicators of the control device performance, you must establish a site-specific operating limit(s) according to the procedures in paragraphs (d)(3)(i) through (iv) of this section.

(i) Select one or more operating parameters, as appropriate for the control device design or process parameter (*i.e.*, mercury content of concentrate feed), that can be used as

representative and reliable indicators of the control device or process operation.

(ii) Using the CPMS required in § 63.1452, measure and record the selected operating parameters for the control device during each run of the mercury performance test.

(iii) Compute and record the hourly average value for each of the selected operating parameters for each individual test run. Your operating limits are the lowest value or the highest value, as appropriate for the selected operating parameter, measured in any of the three runs that meet the applicable emission limit.

(iv) You must prepare written documentation to support your selection of the operating parameters used for the control device. This documentation must include a description of each selected parameter, a rationale for why you chose the parameter, a description of the method used to monitor the parameter, and the data recorded during the performance test and used to set the operating limit(s).

(4) You must conduct each performance test that applies to your affected source under normal operating conditions of the affected source. The owner or operator may not conduct performance tests during periods of malfunction. The use of the bypass stack during a performance test of the process shall invalidate the performance test. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent the entire range of normal operation, including operational conditions for maximum emissions if such emissions are not expected during maximum production. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(e) *Anode refining department, copper converter department, slag cleaning vessels, and smelting vessels process fugitive roofline vent filterable particulate matter emission limit.* You must conduct each performance test to determine compliance with the roofline vent process fugitive filterable particulate matter emission limits in § 63.1444 that apply to you according to the requirements for representative test conditions specified in paragraph (e)(3) of this section and using the test methods and procedures in paragraphs (e)(1) and (2) of this section.

(1) Determine the concentration of anode refining department, copper converter department, slag cleaning

vessels, and smelting vessels process fugitive roofline vent filterable particulate matter according to the test methods in appendices A–1 through A–8 to 40 CFR part 60 as specified in paragraphs (e)(1)(i) through (vi) of this section.

(i) Method 1 to select sampling port locations and the number of traverse points. Sampling ports must be located at the outlet of the control device and prior to any releases to the atmosphere. Use Method 5D, section 8.1.3, Roof Monitor or Monovent, or approved sample locations by EPA Office of Air and Radiation (OAR), OAQPS, Measurement Technology Group or delegated authority.

(ii) Method 2, 2F, or 2G to determine the volumetric flow rate of the stack gas or calibrated anemometer.

(iii) Method 3, 3A, or 3B to determine the dry molecular weight of the stack gas.

The ANSI/ASME PTC 19–10–1981 Part 10 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 3B manual portion only but not the instrumental portion.

(iv) Method 4 to determine the moisture content of the stack gas.

(v) Method 17 to determine in-stack mass volume of the anode refining, converter and smelting process fugitive roof vent filterable particulate matter emissions. Isokinetic calculations are waived due to low flow rates and high variability. Use the filter specified in section 7.2.1 of Method 29. An approved Federal reference method (FRM)/Federal equivalent method (FEM) may be used if it can tolerate the 150 °F temperatures on the roof vents. Tapered element oscillating microbalances (TEOMs) are not appropriate for this sampling. An alternative test method may be requested to EPA OAR, OAQPS, Measurement Technology Group.

(vi) Method 9 to establish opacity as an operating parameter, if appropriate. ASTM D7520–16 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 9 with the specified conditions in paragraphs (c)(3)(i)(A) through (E) of this section.

(2) You must conduct three separate test runs for each performance test. Each test run must have a minimum sampling time of 12 hours. For the purpose of determining compliance with the filterable particulate matter emission limit, the arithmetic mean of the results for the three separate test runs for each roofline vent (*i.e.*, anode refining department, copper converter department, smelting vessels, slag cleaning vessels) is used. The three test run average of the filterable particulate

matter emission rates from each vent should be summed to compare to the emission limit in § 63.1444.

(3) You must conduct each performance test that applies to your affected source under normal operating conditions of the affected source. The owner or operator may not conduct performance tests during periods of malfunction. The use of the bypass stack during a performance test of the process shall invalidate the performance test. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent the entire range of normal operation, including operational conditions for maximum emissions if such emissions are not expected during maximum production. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(f) *Benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene, and dioxins/furans emissions.* You must conduct each performance test to determine compliance with the benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene, and dioxins/furans emission limits in table 2 to this subpart that apply to you according to the requirements for representative test conditions specified in paragraph (f)(8) of this section and using the test methods and procedures in paragraphs (f)(1) through (7) of this section.

(1) Use the test methods in appendices A–1 through A–8 to 40 CFR

part 60 as specified in paragraphs (f)(1)(i) through (iv) of this section to select sampling port locations and the number of traverse points and to determine the volumetric flow rate, dry molecular weight, and moisture content of the stack gas.

(i) Method 1 to select sampling port locations and the number of traverse points. Sampling ports must be located at the outlet of the control device and prior to any releases to the atmosphere.

(ii) Method 2, 2F, or 2G to determine the volumetric flow rate of the stack gas.

(iii) Method 3, 3A, or 3B to determine the dry molecular weight of the stack gas. The ANSI/ASME PTC 19–10–1981 Part 10 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 3B manual portion only but not the instrumental portion.

(iv) Method 4 to determine the moisture content of the stack gas.

(2) Determine the concentration of benzene and toluene for each stack using Method 18 in to appendix A–6 to 40 CFR part 60 to determine the concentration of benzene and toluene; or as an alternative ASTM D6420–99 (Reapproved 2010) (incorporated by reference, see § 63.14), may be used provided that the target compound(s) are those listed in section 1.1 of ASTM D6420–99 (Reapproved 2010) as measurable; the target compounds do not include methane and ethane because their atomic mass is less than 35; and the test results are not a total VOC method. Each test must consist of three separate runs. The duration of sampling must be at least two hours per run.

(3) Determine the concentration of chlorine and hydrogen chloride for each stack using Method 26A in appendix A–

8 to 40 CFR part 60. Each test must consist of three separate runs. The minimum sample volume must be at least 2 dry cubic meters per run. Each run must be conducted for a minimum of 1 hour.

(4) Determine the concentration of polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene, and dioxins/furans for each stack using Method 23 in appendix A–7 to 40 CFR part 60. Each test must consist of three separate runs. The test duration must be at least 3 hours and the must be at least 3 dscm (106 dscf). Method 23 complete list of PAHs and dioxin and furan congeners must be analyzed and reported.

(5) During each stack test run, measure the weight of copper concentrate feed charged to the smelting vessel and calculate the emissions rate in pounds of pollutant per ton of copper concentrate feed charged to the smelting vessel (lb/ton), except for dioxins/furans which should be calculated in nanograms of pollutant Toxicity Equivalent Quotient (TEQ) per megagram of copper concentrate feed charged to the smelting vessel (ng/Mg) for each test run. To calculate the TEQ, multiply each D/F congener emission concentration times the appropriate Toxicity Equivalent Factor (TEF) in table 3 to this subpart. If any measurement result is reported as below the method detection limit, use the method detection limit for that value when calculating the emission rate. Calculate the total emissions rate for each test run by summing the emissions across all stacks, as shown in equation 2 to this paragraph (f)(5).

Equation 2 to Paragraph (f)(5)

$$E_{f,i} = \sum_{s=1}^n \frac{C_s \times Q_s}{P}$$

Where:

$E_{f,i}$ = Emissions rate for test run “i” for all emission stacks at the facility “f”, lb/ton or ng/Mg, as applicable of copper concentrate feed charged to the smelting vessel;

C_s = Emission rate for stack “s” measured during test run “i” on at facility “f”, lb/dscf;

Q_s = Average volumetric flow rate of stack gas measured at stack “s” during test run “i” at facility “f”, dscf/hour;

P = Copper concentrate feed charged to the smelting vessel during the stack test, ton/hour or Mg/hour, as applicable; and
 n = Number of emissions stacks at facility “f”.

(6) Calculate the average emissions rate for each facility using the three test

runs, as shown in equation 3 to this paragraph (f)(6). For the purposes of determining compliance with the applicable emission limits in table 2 to this subpart, the arithmetic mean of the results for the three separate test runs is used as calculated using equation 3.

Equation 3 to paragraph (f)(6)

$$E_f = \frac{E_1 + E_2 + E_3}{3}$$

Where:

E_f = Average emission rate for facility "F", lb/ton or ng/Mg of copper concentrate feed charged to the smelting vessel, as applicable.

E_1 = Emissions rate for run 1 for facility "F", lb/ton or ng/Mg of copper concentrate feed charged to the smelting vessel, as applicable.

E_2 = Emissions rate for run 2 for facility "F", lb/ton or ng/Mg of copper concentrate feed charged to the smelting vessel, as applicable.

E_3 = Emissions rate for run 3 for facility "F", lb/ton or ng/Mg of copper concentrate feed charged to the smelting vessel, as applicable.

* * * * *

(7) For a control device applied to emissions from an affected source and subject to work practice standards and emission limit(s) in § 63.1444(o) for appropriate, site-specific operating parameters that are representative and reliable indicators of the control device performance, you must establish a site-specific operating limit(s) according to the procedures in paragraphs (f)(7)(i) through (iv) of this section.

(i) Select one or more operating parameters, as appropriate for the control device design, that can be used as representative and reliable indicators of the control device operation.

(ii) Using the CPMS required in § 63.1452, measure and record the selected operating parameters for the control device during each run of the benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene and dioxins/furans performance test.

(iii) Compute and record the hourly average value for each of the selected operating parameters for each individual test run. Your operating limits are the lowest value or the highest value, as appropriate for the selected operating parameter, measured in any of the three runs that meet the applicable emission limit.

(iv) You must prepare written documentation to support your selection of the operating parameters used for the control device. This documentation must include a description of each selected parameter, a rationale for why you chose the parameter, a description of the method used to monitor the parameter, and the data recorded during the performance test and used to set the operating limit(s).

(8) You must conduct each performance test that applies to your affected source under normal operating conditions of the affected source. You may not conduct a performance test during a malfunction. The use of the

bypass stack during a performance test of the process shall invalidate the performance test. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent the entire range of normal operation, including operational conditions for maximum emissions if such emissions are not expected during maximum production. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(g) *Peirce-Smith converter department, Inco flash furnace, and anode refining department process fugitive roofline vent lead.* For facilities using a combination of Peirce-Smith converter department, Inco flash furnace, and anode refining department, you must conduct each performance test to determine compliance with the roofline vent process fugitive lead emission limits in § 63.1444(p)(1) that apply to you according to the requirements for representative test conditions specified in paragraph (g)(3) of this section and using the test methods and procedures in paragraphs (g)(1) and (2) of this section. You must also comply with establishing operating parameters in paragraphs (g)(4) through (7) of this section.

(1) Determine the concentration of Peirce-Smith converter department, Inco flash furnace, and anode refining department process fugitive roofline vent lead according to the test methods in appendices A–1 through A–8 to 40 CFR part 60 as specified in paragraphs (g)(1)(i) through (vii) of this section.

(i) Method 1 to select sampling port locations and the number of traverse points. Sampling ports must be located at the outlet of the control device and prior to any releases to the atmosphere. Use Method 5D section 8.1.3 Roof Monitor or Monovent or approved sample locations by MTG or delegated authority.

(ii) Method 2, 2F, or 2G to determine the volumetric flow rate of the stack gas or calibrated anemometer.

(iii) Method 3, 3A, or 3B to determine the dry molecular weight of the stack gas. The ANSI/ASME PTC 19–10–1981 Part 10 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 3B manual portion only but not the instrumental portion.

(iv) Method 4 to determine the moisture content of the stack gas.

(v) Method 17 to determine in-stack mass volume of the anode refining, converter and smelting process fugitive

roof vent lead emissions. Isokinetic calculations are waived due to low flow rates and high variability. Use the filter specified in section 7.2.1 of Method 29. An approved FRM/FEM may be used if it can tolerate the 150 F temperatures on the roof vents. TEOMs are not appropriate for this sampling. An alternative test method may be requested to EPA OAR, OAQPS, Measurement Technology Group.

(vi) Method 29 filter analysis by inductively coupled plasma mass spectrometry (ICP–MS) for lead.

(vii) Method 9 to establish opacity as an operating parameter, if appropriate. ASTM D7520–16 (incorporated by reference, see § 63.14) is an acceptable alternative to EPA Method 9 with the specified conditions in paragraphs (c)(3)(i)(A) through (E) of this section.

(2) You must conduct three separate test runs for each performance test. Each test run must have a minimum sampling time of 12 hours. For the purpose of determining compliance with the lead emission limit, the arithmetic mean of the results for the three separate test runs for each roofline vent (*i.e.*, anode refining department, copper converter department, smelting vessels, slag cleaning vessels) is used. The three test run average of the lead emission rates from each vent should be summed to compare to the emission limit in § 63.1444.

(3) You must conduct each performance test that applies to your affected source under normal operating conditions of the affected source. The owner or operator may not conduct performance tests during periods of malfunction. The use of the bypass stack during a performance test of the process shall invalidate the performance test. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent the entire range of normal operation, including operational conditions for maximum emissions if such emissions are not expected during maximum production. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(4) Establish a site-specific operating limit for a parameter, like opacity, based on values measured during the performance test.

(5) For your flash furnace capture system you must establish site specific operating parameters as specified in § 63.1444(p)(2)(i).

(6) For your fuming ladle capture system, you must establish site specific

operating parameters as specified in § 63.1444(p)(2)(ii).

(7) For your anode furnace secondary capture and control system, you must establish site specific operating parameters as specified in § 63.1444(p)(2)(iii).

§ 63.1451 How do I demonstrate initial compliance with the emission limitations, work practice standards, design standards, and operation and maintenance requirements that apply to me?

(a) *Filterable particulate matter emission limits.* For each copper concentrate dryer, smelting vessel, slag cleaning vessel, copper converter department, anode refining department, and combination of anode refining department and Hoboken converter process fugitive capture system subject to a filterable particulate matter emission limit in § 63.1444 or § 63.1446, you have demonstrated initial compliance if you meet both of the conditions in paragraphs (a)(1) and (2) of this section.

(1) The average concentration of filterable particulate matter from the affected source, any capture system, or control device applied to emissions from the affected source, measured according to the performance test procedures in § 63.1450(a), did not exceed the applicable emission limit, and establishes operating parameter.

(2) You have submitted a notification of compliance status according to the requirements in § 63.1454(e) and performance test results according to the requirements in § 63.1455(e).

(b) *Nonsulfuric acid particulate matter emissions limits.* For each smelting vessel, slag cleaning vessel, and copper converter departments subject to the nonsulfuric acid particulate matter emissions limit in § 63.1444 as applies to you, you have demonstrated initial compliance if you meet both of the conditions in paragraphs (b)(1) and (2) of this section.

(1) The average concentration of nonsulfuric acid particulate matter in the process off-gas discharged from the affected source, measured according to the performance test procedures in § 63.1450(b), did not exceed 6.2 mg/dscm.

(2) You have submitted a notification of compliance status according to the requirements in § 63.1454(e) and performance test results according to the requirements in § 63.1455(e).

(c) *Copper converter department visible emissions.* For each existing copper converter department subject to the opacity limit in § 63.1444, you have demonstrated initial compliance if you meet both of the conditions in paragraphs (c)(1) and (2) of this section.

(1) The opacity of visible emissions exiting the roof monitors or roof exhaust fans on the building housing the copper converter department measured according to the performance test procedures in § 63.1450(c), did not exceed 4 percent opacity.

(2) You have submitted a notification of compliance status according to the requirements in § 63.1454(e).

(d) *Copper converter department capture systems.* You have demonstrated initial compliance of the copper converter department capture system if you meet all of the conditions in paragraphs (d)(1) through (4) of this section.

(1) Prepared the capture system operation and maintenance plan according to the requirements in § 63.1447(b);

(2) Conducted an initial performance test according to the procedures of § 63.1450(c) demonstrating the opacity of any visible emissions exiting the roof monitors or roof exhaust fans on the building housing the copper converter department does not exceed 4 percent opacity;

(3) Included in your notification of compliance status a copy of your written capture system operation and maintenance plan and have certified in your notification of compliance status that you will operate the copper converter department capture system at all times during blowing at the values or settings established for the operating limits in that plan; and

(4) Submitted a notification of compliance status according to the requirements in § 63.1454(e) and performance test results according to the requirements in § 63.1455(e).

(e) *Baghouses.* For each baghouse subject to operating limits in § 63.1444(i) or § 63.1446(c), you have demonstrated initial compliance if you meet all of the conditions in paragraphs (e)(1) through (3) of this section.

(1) You have included in your written operation and maintenance plan required under § 63.1447(b) detailed descriptions of the procedures you use for inspection, maintenance, bag leak detection, and corrective action for the baghouse.

(2) You have certified in your notification of compliance status that you will operate the baghouse according to your written operation and maintenance plan.

(3) You have submitted the notification of compliance status according to the requirements in § 63.1454(e).

(f) *Venturi wet scrubbers.* For each venturi wet scrubber subject to operating limits in § 63.1444(j) or

§ 63.1446(d), you have demonstrated initial compliance if you meet all of the conditions in paragraphs (f)(1) through (3) of this section.

(1) Established site-specific operating limits for pressure drop and scrubber water flow rate and have a record of the pressure drop and scrubber water flow rate measured during the performance test you conduct to demonstrate initial compliance with paragraph (a) or (k) of this section.

(2) Certified in your notification of compliance status that you will operate the venturi wet scrubber within the established operating limits for pressure drop and scrubber water flow rate.

(3) Submitted a notification of compliance status according to the requirements in § 63.1454(e).

(g) *Other control devices.* For each control device other than a baghouse or venturi wet scrubber subject to operating limits in § 63.1444(k) or (n) or § 63.1446(e), you have demonstrated initial compliance if you meet all of the conditions in paragraphs (g)(1) through (4) of this section.

(1) Selected one or more operating parameters, as appropriate for the control device design, that can be used as representative and reliable indicators of the control device operation.

(2) Established site-specific operating limits for each of the selected operating parameters based on values measured during the performance test you conduct to demonstrate initial compliance with paragraph (a) of this section and have prepared written documentation according to the requirements in § 63.1450(a)(5)(iv).

(3) Included in your notification of compliance status a copy of the written documentation you have prepared to demonstrate compliance with paragraph (g)(2) of this section and have certified in your notification of compliance status that you will operate the control device within the established operating limits.

(4) Submitted a notification of compliance status according to the requirements in § 63.1454(e).

(h) *Fugitive dust sources.* For all fugitive dust sources subject to work practice standards in § 63.1445, you have demonstrated initial compliance if you meet all of the conditions in paragraphs (h)(1) through (3) of this section.

(1) Prepared a written fugitive dust control plan according to the requirements in § 63.1445 and it has been approved by the delegated authority.

(2) Certified in your notification of compliance status that you will control emissions from the fugitive dust sources

according to the procedures in the approved plan.

(3) Submitted the notification of compliance status according to the requirements in § 63.1454(e).

(i) *Operation and maintenance requirements.* You have demonstrated initial compliance with the operation and maintenance requirements that apply to you if you meet all of the conditions in paragraphs (i)(1) through (3) of this section.

(1) Prepared an operation and maintenance plan according to the requirements in § 63.1447(b).

(2) Certified in your notification of compliance status that you will operate each capture system and control device according to the procedures in the plan.

(3) Submitted the notification of compliance status according to the requirements in § 63.1454(e).

(j) *Mercury emissions.* For any combination of copper concentrate dryers, smelting vessel, copper converter department, slag cleaning vessel and anode refining department subject to a mercury emission limit in § 63.1444, you have demonstrated initial compliance if you meet the conditions in paragraphs (j)(1) through (3) of this section.

(1) The sum of the mercury emissions (lb/hr) from the affected sources measured according to the performance test procedures in § 63.1450(d), did not exceed the applicable emission limit.

(2) Established a site-specific operating limit for a parameter based on values measured during the performance test you conduct to demonstrate initial compliance with this paragraph (j) and have prepared written documentation according to the requirements in § 63.1450(d)(3)(iv).

(3) You have submitted a notification of compliance status according to the requirements in § 63.1454(e) and performance test results according to the requirements in § 63.1455(e).

(k) *Process fugitive filterable particulate matter from roofline vents.* For emissions from roofline vents associated with the smelting vessels, slag cleaning vessels, copper converter department, and anode refining department subject to a filterable particulate matter emission limit in § 63.1444(h), you have demonstrated initial compliance if you meet the conditions in paragraphs (k)(1) through (3) of this section.

(1) The sum of filterable particulate matter emissions from the combination of roofline vents as measured according to the performance test procedures in § 63.1450(e), did not exceed 6.3 lb/hr.

(2) Established a site-specific operating limit for a parameter, like

opacity, based on values measured during the performance test you conduct to demonstrate initial compliance with this paragraph (k) and have prepared written documentation according to the requirements in § 63.1450(e).

(3) You have submitted a notification of compliance status according to the requirements in § 63.1454(e) and performance test results according to the requirements in § 63.1455(e).

(l) *Benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene, and dioxins/furans emissions.* For any combination of copper concentrate dryer, smelting vessel, slag cleaning vessel, copper converter department, and anode refining department subject to the benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene, and dioxins/furans emission limits in table 2 to this subpart, you have demonstrated initial compliance if you meet both of the conditions in paragraphs (l)(1) and (2) to this section.

(1) The emissions of benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene, and dioxins/furans emissions per mass of copper concentrate feed to the smelting vessel from the affected sources measured according to the performance test procedures in § 63.1450(f), did not exceed the applicable emission limit.

(2) You have submitted a notification of compliance status according to the requirements in § 63.1454(e) and performance test results according to the requirements in § 63.1455(e).

(m) *Process fugitive lead from roofline vents.* For emissions from the combination of roofline vents associated with the Peirce-Smith converter department, Inco flash furnace, and anode refining department subject to a lead emission limit and design standards in § 63.1444(p), you have demonstrated initial compliance if you meet the conditions in paragraphs (m)(1) through (5) of this section.

(1) The sum of lead emissions from the combination of roofline vents as measured according to the performance test procedures in § 63.1450(g), did not exceed 0.326 lb/hr.

(2) You have submitted a notification of compliance status and performance test results according to requirements of §§ 63.1454(e), 63.1455(e)(1), and 63.9(k)

(3) For your flash furnace capture system, you have established timed interlock on the slag return launder.

(4) For your fuming ladle capture system, you have determined flow rate by a calibrated flowmeter or test.

(5) For your anode furnace secondary hood capture and control system, you have determined flow rate by a calibrated flowmeter or test.

§ 63.1452 What are my monitoring requirements?

(a) *Copper converter department capture systems.* For each operating limit established under your capture system operation and maintenance plan, you must install, operate, and maintain an appropriate monitoring device according to the requirements in paragraphs (a)(1) through (6) of this section to measure and record the operating limit value or setting at all times the copper converter department capture system is operating during batch copper converter blowing. Dampers that are manually set and remain in the same position at all times the capture system is operating are exempted from the requirements of this paragraph (a).

(1) Install the monitoring device, associated sensor(s), and recording equipment according to the manufacturers' specifications. Locate the sensor(s) used for monitoring in or as close to a position that provides a representative measurement of the parameter being monitored.

(2) If a flow measurement device is used to monitor the operating limit parameter, you must meet the requirements in paragraphs (a)(2)(i) through (iv) of this section.

(i) Locate the flow sensor and other necessary equipment such as straightening vanes in a position that provides a representative flow.

(ii) Use a flow sensor with a minimum tolerance of 2 percent of the flow rate.

(iii) Reduce swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(iv) Conduct a flow sensor calibration check at least semiannually.

(3) If a pressure measurement device is used to monitor the operating limit parameter, you must meet the requirements in paragraphs (a)(3)(i) through (v) of this section.

(i) Locate the pressure sensor(s) in or as close to a position that provides a representative measurement of the pressure.

(ii) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

(iii) Use a gauge with a minimum tolerance of 0.5 inch of water or a transducer with a minimum tolerance of 1 percent of the pressure range.

(iv) Check pressure tap pluggage daily.

(v) Using a manometer, check gauge calibration quarterly and transducer calibration monthly.

(4) Conduct calibration and validation checks any time the sensor exceeds the manufacturer's specifications or you install a new sensor.

(5) At least monthly, inspect all components for integrity, all electrical connections for continuity, and all mechanical connections for leakage.

(6) Record the results of each inspection, calibration, and validation check.

(b) *Baghouses*. For each baghouse subject to the operating limit in § 63.1444(i) or § 63.1446(c) for the bag leak detection system alarm, you must at all times monitor the relative change in particulate matter loadings using a bag leak detection system according to the requirements in paragraph (b)(1) of this section and conduct regular inspections according to the requirements in paragraph (b)(2) of this section.

(1) You must install, operate, and maintain each bag leak detection system according to the requirements in paragraphs (b)(1)(i) through (vii) of this section.

(i) The system must be certified by the manufacturer to be capable of detecting emissions of particulate matter at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

(ii) The system must provide output of relative changes in particulate matter loadings.

(iii) The system must be equipped with an alarm that will sound when an increase in relative particulate loadings is detected over a preset level. The alarm must be located such that it can be heard by the appropriate plant personnel.

(iv) Each system that works based on the triboelectric effect must be installed, operated, and maintained in a manner consistent with the guidance document "Fabric Filter Bag Leak Detection Guidance," EPA-454/R-98-015, September 1997. You may obtain a copy of this guidance document by contacting the National Technical Information Service (NTIS) at 800-553-6847. You may install, operate, and maintain other types of bag leak detection systems in a manner consistent with the manufacturer's written specifications and recommendations.

(v) To make the initial adjustment of the system, establish the baseline output by adjusting the sensitivity (range) and the averaging period of the device. Then, establish the alarm set points and the alarm delay time.

(vi) Following the initial adjustment, do not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in your operation and maintenance plan. Do not increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365-day period unless a responsible official certifies, in writing, that the baghouse has been inspected and found to be in good operating condition.

(vii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(2) You must conduct baghouse inspections at their specified frequencies according to the requirements in paragraphs (b)(2)(i) through (viii) of this section.

(i) Monitor the pressure drop across each baghouse cell each day to ensure pressure drop is within the normal operating range identified in the manual.

(ii) Confirm that dust is being removed from hoppers through weekly visual inspections or other means of ensuring the proper functioning of removal mechanisms.

(iii) Check the compressed air supply for pulse-jet baghouses each day.

(iv) Monitor cleaning cycles to ensure proper operation using an appropriate methodology.

(v) Check bag cleaning mechanisms for proper functioning through monthly visual inspection or equivalent means.

(vi) Make monthly visual checks of bag tension on reverse air and shaker-type baghouses to ensure that bags are not kinked (knead or bent) or laying on their sides. You do not have to make this check for shaker-type baghouses using self-tensioning (spring-loaded) devices.

(vii) Confirm the physical integrity of the baghouse through quarterly visual inspections of the baghouse interior for air leaks.

(viii) Inspect fans for wear, material buildup, and corrosion through quarterly visual inspections, vibration detectors, or equivalent means.

(c) *Venturi wet scrubbers*. For each venturi wet scrubber subject to the operating limits for pressure drop and scrubber water flow rate in § 63.1444(j) or § 63.1446(d), you must at all times monitor the hourly average pressure drop and water flow rate using a CPMS. You must install, operate, and maintain each CPMS according to the requirements in paragraphs (c)(1) and (2) of this section.

(1) For the pressure drop CPMS, you must meet the requirements in

paragraphs (c)(1)(i) through (vi) of this section.

(i) Locate the pressure sensor(s) in or as close to a position that provides a representative measurement of the pressure and that minimizes or eliminates pulsating pressure, vibration, and internal and external corrosion.

(ii) Use a gauge with a minimum measurement sensitivity of 0.5 inch of water or a transducer with a minimum measurement sensitivity of 1 percent of the pressure range.

(iii) Check the pressure tap for pluggage daily.

(iv) Using a manometer, check gauge calibration quarterly and transducer calibration monthly.

(v) Conduct calibration checks any time the sensor exceeds the manufacturer's specified maximum operating pressure range, or install a new pressure sensor.

(vi) At least monthly, inspect all components for integrity, all electrical connections for continuity, and all mechanical connections for leakage.

(2) For the scrubber water flow rate CPMS, you must meet the requirements in paragraphs (c)(2)(i) through (iv) of this section.

(i) Locate the flow sensor and other necessary equipment in a position that provides a representative flow and that reduces swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(ii) Use a flow sensor with a minimum measurement sensitivity of 2 percent of the flow rate.

(iii) Conduct a flow sensor calibration check at least semiannually according to the manufacturer's instructions.

(iv) At least monthly, inspect all components for integrity, all electrical connections for continuity, and all mechanical connections for leakage.

(d) *Other control devices and operating parameters*. For each control device other than a baghouse or venturi wet scrubber subject to the operating limits for appropriate parameters in § 63.1444(k) or § 63.1446(e), or a control device for mercury subject to § 63.1444(n), you must at all times monitor each of your selected parameters using an appropriate CPMS. You must install, operate, and maintain each CPMS according to the equipment manufacturer's specifications and the requirements in paragraphs (d)(1) through (5) of this section.

(1) Locate the sensor(s) used for monitoring in or as close to a position that provides a representative measurement of the parameter being monitored.

(2) Determine the hourly average of all recorded readings.

(3) Conduct calibration and validation checks any time the sensor exceeds the manufacturer's specifications or you install a new sensor.

(4) At least monthly, inspect all components for integrity, all electrical connections for continuity, and all mechanical connections for leakage.

(5) Record the results of each inspection, calibration, and validation check.

(e) *Continuous monitoring.* Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) at all times an affected source is operating.

(f) *Data collection for assessing compliance.* You may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels or to fulfill a minimum data availability requirement, if applicable. You must use all the data collected during all other periods in assessing compliance.

(g) *Monitoring malfunctions.* A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitor to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(h) *Bypass stacks.* You must maintain an appropriate monitoring device according to the requirements in paragraph (h)(1) or (2) of this section to demonstrate the work practice standards are limiting the emissions at all times the bypass stack is in use.

(1) If a SO₂ continuous emissions monitoring system (CEMS) is utilized as a continuous monitor during planned maintenance events, a cylinder gas audit (CGA) and daily calibration or a 3-point linearity test must be conducted prior to the performance test according to Procedure 1, section 5.1.2, in appendix F to 40 CFR part 60 to conduct the CGA.

(2) If a particulate matter (PM) detector is CPMS, you must install, operate, and maintain each PM detector according to the equipment manufacturer's specifications and the requirements in paragraphs (h)(2)(i) through (v) of this section.

(i) Locate the detector(s) used for monitoring in or as close to a position that provides a representative measurement of the parameter being monitored.

(ii) Determine the hourly average of all recorded readings.

(iii) Conduct calibration and validation checks any time the detector exceeds the manufacturer's specifications or you install a new detector.

(iv) At least monthly, inspect all components for integrity, all electrical connections for continuity, and all mechanical connections for leakage.

(v) Record the results of each inspection, calibration, and validation check.

§ 63.1453 How do I demonstrate continuous compliance with the emission limitations, work practice standards, design standards, and operation and maintenance requirements that apply to me?

(a) *Filterable particulate matter emission limits.* For each affected source subject to a particulate matter emission limit in § 63.1444 or § 63.1446 as applies to you, you must demonstrate continuous compliance according to the requirements in paragraphs (a)(1) and (2) of this section.

(1) For each copper concentrate dryer, smelting vessel, slag cleaning vessel, copper converter department, anode refining department, and combination of anode refining department and Hoboken converter process fugitive capture system subject to a filterable particulate matter emission limit in § 63.1444 or § 63.1446 as applies to you, you must demonstrate continuous compliance by meeting the conditions in paragraphs (a)(1)(i) through (iii) or paragraphs (a)(1)(i) and (iv) through (vii) of this section.

(i) Maintain the average concentration of filterable particulate matter in the gases discharged from the affected source at or below the applicable emission limit. If a particulate matter continuous emissions monitoring system (PM CEMS) is used, you must demonstrate continued compliance according to the requirements in paragraphs (a)(1)(iv) through (vii) of this section.

(ii) Monitor the operating parameter(s) established during the performance test according to the requirements in §§ 63.1450(a) and 63.1452 and collect, reduce, and record the monitoring data for each of the operating limit parameters according to the applicable requirements of this subpart.

(iii) Conduct subsequent performance tests following your initial performance test no less frequently than once per year according to the performance test procedures in § 63.1450(a). New operating limits may be established during subsequent performance tests as long as the performance tests demonstrate compliance with the emission limits.

(iv) Install, operate, and maintain a PM CEMS to measure and record PM concentrations and gas stream flow rates for the exhaust gases discharged to the atmosphere from each affected source subject to the emissions limit in this paragraph (a)(1). A single PM CEMS may be used for the combined exhaust gas streams from multiple affected sources at a point before the gases are discharged to the atmosphere. For each PM CEMS used to comply with this paragraph (a)(1), you must meet the requirements in this paragraph (a)(1)(iv) and paragraphs (a)(1)(v) through (vii) of this section.

(v) You must install, certify, operate, and maintain the PM CEMS according to EPA Performance Specification 11 in appendix B to 40 CFR part 60, and the quality assurance requirements of Procedure 2 in appendix F to 40 CFR part 60.

(vi) You must conduct an initial performance evaluation of the PM CEMS according to the requirements of Performance Specification 11 in appendix B to 40 CFR part 60. Thereafter, you must perform the performance evaluations as required by Procedure 2 in appendix F to 40 CFR part 60.

(vii) You must perform quarterly accuracy determinations and daily calibration drift tests for the PM CEMS according to Procedure 2 in appendix F to 40 CFR part 60.

(2) For each smelting vessel, slag cleaning vessel, and copper converter department subject to the nonsulfuric acid particulate matter emission limit in § 63.1444 as applies to you, you must demonstrate continuous compliance by meeting the conditions in paragraphs (a)(2)(i) through (iii) of this section.

(i) Maintain the average concentration of nonsulfuric acid particulate matter in the process off-gas discharged from the affected source at or below 6.2 mg/dscm.

(ii) Monitor the operating parameter established during the performance tests according to the requirements in §§ 63.1450(b) and 63.1452 and collect, reduce, and record the monitoring data for each of the operating limit parameters according to the applicable requirements of this subpart.

(iii) Conduct subsequent performance tests following your initial performance test no less frequently than once per year according to the performance test procedures in § 63.1450(b). New operating limits may be established during subsequent performance tests as long as the performance tests demonstrate compliance with the emission limits.

(b) *Copper converter department capture systems.* You must demonstrate continuous compliance of the copper converter department capture system by meeting the requirements in paragraphs (b)(1) through (4) of this section.

(1) Operate the copper converter department capture system at all times during blowing at or above the lowest values or settings established for the operating limits and demonstrated to achieve the opacity limit according to the applicable requirements of this subpart;

(2) Inspect and maintain the copper converter department capture system according to the applicable requirements in § 63.1447 and recording all information needed to document conformance with these requirements;

(3) Monitor the copper converter department capture system according to the requirements in § 63.1452(a) and collecting, reducing, and recording the monitoring data for each of the operating limit parameters according to the applicable requirements of this subpart; and

(4) Conduct subsequent performance tests according to the requirements of § 63.1450(c) following your initial performance test no less frequently than once per year to demonstrate that the opacity of any visible emissions exiting the roof monitors or roof exhaust fans on the building housing the copper converter department does not exceed 4 percent opacity.

(c) *Baghouses.* For each baghouse subject to the operating limit for the bag leak detection system alarm in § 63.1444(i) or § 63.1446(c), you must demonstrate continuous compliance by meeting the requirements in paragraphs (c)(1) through (3) of this section.

(1) Maintain the baghouse such that the bag leak detection system alarm does not sound for more than 5 percent of the operating time during any semiannual reporting period. To determine the percent of time the alarm sounded use the procedures in paragraphs (c)(1)(i) through (v) of this section.

(i) Alarms that occur due solely to a malfunction of the bag leak detection system are not included in the calculation.

(ii) Before November 12, 2024, alarms that occur during startup, shutdown, or malfunction are not included in the calculation if the condition is described in the startup, shutdown, and malfunction plan, and you operated the source during such periods in accordance with § 63.6(e)(1). On or after November 12, 2024, alarms that occur due solely to a malfunction of the bag

leak detection system are not included in the calculation.

(iii) Count 1 hour of alarm time for each alarm when you initiated procedures to determine the cause of the alarm within 1 hour.

(iv) Count the actual amount of time you took to initiate procedures to determine the cause of the alarm if you did not initiate procedures to determine the cause of the alarm within 1 hour of the alarm.

(v) Calculate the percentage of time the alarm on the bag leak detection system sounds as the ratio of the sum of alarm times to the total operating time multiplied by 100.

(2) Maintain records of the times the bag leak detection system alarm sounded, and for each valid alarm, the time you initiated corrective action, the corrective action(s) taken, and the date on which corrective action was completed.

(3) Inspect and maintain each baghouse according to the requirements in § 63.1452(b)(2) and recording all information needed to document conformance with these requirements. If you increase or decrease the sensitivity of the bag leak detection system beyond the limits specified in § 63.1452(b)(1)(vi), you must include a copy of the required written certification by a responsible official in the next semiannual compliance report.

(d) *Venturi wet scrubbers.* For each venturi wet scrubber subject to the operating limits for pressure drop and scrubber water flow rate in § 63.1444(j) or § 63.1446(d), you must demonstrate continuous compliance by meeting the requirements of paragraphs (d)(1) through (3) of this section.

(1) Maintain the hourly average pressure drop and scrubber water flow rate at levels no lower than those established during the initial or subsequent performance test;

(2) Inspect and maintain each venturi wet scrubber CPMS according to § 63.1452(c) and recording all information needed to document conformance with these requirements; and

(3) Collect and reduce monitoring data for pressure drop and scrubber water flow rate according to § 63.1452(e) and recording all information needed to document conformance with these requirements.

(e) *Other control devices.* For each control device other than a baghouse or venturi wet scrubber subject to the operating limits for site-specific operating parameters in § 63.1444(k) or § 63.1446(e), you must demonstrate continuous compliance by meeting the

requirements of paragraphs (e)(1) through (3) of this section:

(1) Maintain the hourly average rate at levels no lower than those established during the initial or subsequent performance test;

(2) Inspect and maintain each CPMS operated according to § 63.1452(d) and record all information needed to document conformance with these requirements; and

(3) Collect and reduce monitoring data for selected parameters according to § 63.1452(e) and recording all information needed to document conformance with these requirements.

(f) *Fugitive dust sources.* For each fugitive dust source subject to work practice standards in § 63.1445, you must demonstrate continuous compliance by implementing all of fugitive control measures specified for the source in your written fugitive dust control plan.

(g) *Mercury emissions.* For each affected source subject to mercury emissions limit in § 63.1444 as applies to you must demonstrate continuous compliance according to the requirements in paragraph (g)(1) or paragraphs (g)(2) and (3) of this section.

(1) Maintain the average concentration of mercury discharged from the facility at or below the emission limit in § 63.1444 monitored by a mercury continuous emissions monitoring system (Hg CEMS). If the Hg CEMS is used, you must demonstrate continuous compliance according to the requirements in paragraphs (g)(1)(i) through (v) of this section.

(i) Install and operate a Hg CEMS in accordance with Performance Specification 12A (PS 12A) of appendix B to 40 CFR part 60.

(ii) Maintain each Hg CEMS according to the quality assurance requirements in Procedure 5 of appendix F to 40 CFR part 60. The relative accuracy testing of Hg CEMS must be conducted at normal operating conditions.

(iii) Use a span value for any Hg CEMS that represents the mercury concentration corresponding to approximately two times the emissions standard and may be rounded up to the nearest multiple of 5 µg/m³ of total mercury or higher level if necessary to include Hg concentrations which may occur.

(iv) Determine the average on a 6-hour rolling basis.

(v) Install, operate, calibrate, and maintain an instrument for continuously measuring and recording the exhaust gas flow rate to the atmosphere.

(2) Monitor the operating parameter established during the performance tests

according to the requirements in §§ 63.1450(d) and 63.1452 and collecting, reducing, and recording the monitoring data for each of the operating limit parameters according to the applicable requirements of this subpart.

(3) Conduct subsequent performance tests following your initial performance test no less frequently than once per year according to the performance test procedures in § 63.1450(d). New operating limits may be established during subsequent performance tests as long as the performance tests demonstrate compliance with the emission limits.

(h) *Process fugitive filterable particulate matter and lead from roofline vents.* For emissions from roofline vents associated with the smelting vessels, slag cleaning vessels, copper converter department, and anode refining department subject to a filterable particulate matter emission limit in § 63.1444(h), and for emissions from the combination of roofline vents associated with the Peirce-Smith converter department, Inco flash furnace, and anode refining department subject to a lead emission limit in § 63.1444(p), you must demonstrate continuous compliance according to the requirements in paragraph (h)(1) or (2) and paragraph (h)(3) of this section. For the applicable design standards in § 63.1444(p), you must demonstrate continuous compliance according to the requirements in paragraphs (h)(4) through (6) of this section.

(1) *Operating parameter.* You must demonstrate continuous compliance with the established site-specific operating limit for a parameter, like opacity, based on values measured during the performance test you conduct to demonstrate initial compliance. If the operating parameter is visible emissions (VE) at each roofline vent, you must meet the requirements in paragraphs (h)(1)(i) through (v) of this section.

(i) Perform daily VE observations of each roofline vent according to the procedures of Method 22 of appendix A–7 to 40 CFR part 60. You must conduct the Method 22 test while the affected source is operating under normal conditions. The duration of each Method 22 test must be at least 15 minutes.

(ii) If VE are observed during any daily test conducted using Method 22 of appendix A–7 to 40 CFR part 60, you must promptly conduct an opacity test, according to the procedures of Method 9 of appendix A–4 to 40 CFR part 60. ASTM D7520–16 (incorporated by reference, see § 63.14) is an acceptable

alternative to EPA Method 9 with the specified conditions in § 63.1450(c)(3)(i)(A) through (E).

(iii) You may decrease the frequency of Method 22 testing from daily to weekly for a roofline vent if one of the conditions in paragraph (h)(1)(iii)(A) or (B) of this section is met.

(A) No VE are observed in 30 consecutive daily Method 22 tests for any roofline vent; or

(B) No opacity greater than the site-specific operating limit is observed during any of the tests under Method 9 of appendix A–4 to 40 CFR part 60 for any roofline vent.

(iv) If VE are observed during any weekly test and opacity greater than the site-specific operating limit is observed in the subsequent test under Method 9 of appendix A–4 to 40 CFR part 60, you must promptly initiate and complete corrective actions according to your operation, maintenance, and monitoring plan (OM&M) plan, resume testing of that roof vent following Method 22 of appendix A–7 to 40 CFR part 60, on a daily basis, as described in paragraph (h)(1)(i) of this section, and maintain that schedule until one of the conditions in paragraph (h)(1)(iii)(A) or (B) of this section is met, at which time you may again decrease the frequency of Method 22 testing to a weekly basis.

(v) If greater than the site-specific opacity operating limit is observed during any test conducted using Method 9 of appendix A–4 to 40 CFR part 60, you must report these deviations by following the requirements in § 63.1455.

(2) Monitor the site-specific operating parameter established during the performance tests according to the requirements in § 63.1450(e) for filterable particulate matter and § 63.1450(g) for lead if applicable, and § 63.1452, collect, reduce, and record the monitoring data for each of the operating limit parameters according to the applicable requirements of this subpart.

(3) Conduct subsequent performance tests following your initial performance test no less frequently than once per year according to the performance test procedures in § 63.1450(e) for filterable particulate matter and § 63.1450(g) for lead if applicable. New operating limits may be established during subsequent performance tests as long as the performance tests demonstrate compliance with the emission limits.

(4) For your flash furnace capture system, you must inspect the hooding, walls, and damper quarterly.

(5) For your fuming ladle capture system, you must inspect the hooding, walls, and ladle during maintenance periods.

(6) For your anode furnace secondary hood capture and control system, you must inspect the hood, walls, and damper during maintenance periods, and operate anode furnace secondary hood system at all times the anode furnaces are operating.

(i) *Benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene, and dioxins/furans emissions.* For each affected source subject to the benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons excluding naphthalene, naphthalene, and dioxins/furans emission limits in table 2 to this subpart, you must demonstrate continuous compliance according to paragraphs (i)(1) and (2) to this section.

(1) You must monitor the site-specific operating parameter established during the performance tests according to the requirements in § 63.1450(f) and collect, reduce, and record the monitoring data for each of the operating limit parameters according to the applicable requirements of this subpart.

(2) You must demonstrate continuous compliance by conducting subsequent performance tests following your initial performance test at least once every five years according to the performance test procedures in § 63.1450(f). New operating limits may be established during subsequent performance tests as long as the performance tests demonstrate compliance with the emission limits.

§ 63.1454 What notifications must I submit and when?

(a) You must submit all of the notifications in §§ 63.6(h)(4) and (5), 63.7(b) and (c), 63.8(f)(4), and 63.9(b) through (h) that apply to you by the specified dates.

(b) As specified in § 63.9(b)(2), if you start your affected source before June 12, 2002, you must submit your initial notification not later than October 10, 2002, or no later than 120 days after the source becomes subject to this subpart (see § 63.1441), whichever is later.

(c) As specified in § 63.9(b)(3), if you start your new affected source on or after June 12, 2002, you must submit your initial notification not later than 120 calendar days after you become subject to this subpart (see § 63.1441).

(d) If you are required to conduct a performance test, you must submit a notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin as required in § 63.7(b)(1).

(e) If you are required to conduct a performance test, opacity observation,

or other initial compliance demonstration, you must submit a notification of compliance status according to § 63.9(h)(2)(ii) by the date specified in paragraph (e)(1) or (2) of this section as applies to you.

(1) For each initial compliance demonstration that does not include a performance test, you must submit the notification of compliance status before the close of business on the 30th calendar day following the completion of the initial compliance demonstration.

(2) For each initial compliance demonstration that includes a performance test, you must submit the notification of compliance status, including the performance test results, before the close of business on the 60th calendar day following the completion of the performance test according to § 63.10(d)(2).

§ 63.1455 What reports must I submit and when?

(a) You must submit each report in paragraphs (a)(1) and (2) of this section that applies to you.

(1) You must submit a compliance report semiannually according to the requirements in paragraph (b) of this section and containing the information in paragraph (c) of this section.

(2) Before November 12, 2024, you must submit an immediate startup, shutdown, and malfunction report if you had a startup, shutdown, or malfunction during the reporting period that is not consistent with your startup, shutdown, and malfunction plan. You must report the actions taken for the event by fax or telephone within 2 working days after starting actions inconsistent with the plan. You must submit the information in § 63.10(d)(5)(ii) by letter within 7 working days after the end of the event unless you have made alternative arrangements with the delegated authority. On or after November 12, 2024, you must report any deviation from an applicable standard in §§ 63.1444, 63.1445, and 63.1446 as part of your semiannual compliance report and include the information required in paragraph (c) of this section. In an event of an emergency situation, you must report the emergency and the actions taken for the event by email or telephone within 2 working days of the time when emissions limitations were exceeded due to the emergency (or an alternate timeframe acceptable to the delegated authority). For the purposes of complying with this paragraph (a)(2), an emergency situation is any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility owner or operator that

requires immediate corrective action to restore normal operation, and that causes the affected source to exceed an applicable emissions limitation under this subpart, due to unavoidable increases in emissions attributable to the emergency. An emergency must not include noncompliance to the extent it is caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error. You must submit the report within 7 working days after the end of the event unless you have made alternative arrangements with the delegated authority. This report must contain a description of the emergency, any steps taken to mitigate the emissions and corrective actions taken.

(b) Unless the Administrator has approved a different schedule under § 63.10(a), you must submit each compliance report required in paragraph (a) of this section according to the applicable requirements in paragraphs (b)(1) through (5) of this section following the procedures in § 63.9(k).

(1) The first compliance report must cover the period beginning on the compliance date that is specified for your affected source in § 63.1443 and ending on June 30 or December 31, whichever date comes first after the compliance date that is specified for your source in § 63.1443.

(2) The first compliance report must be delivered no later than July 31 or January 31, whichever date comes first after your first compliance report is due.

(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) Each subsequent compliance report must be delivered no later than July 31 or January 31, whichever date comes first after the end of the semiannual reporting period.

(5) For each affected source that is subject to permitting regulations pursuant to 40 CFR part 70 or 71, and if the delegated authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the delegated authority has established instead of according to the dates in paragraphs (b)(1) through (4) of this section.

(c) Each compliance report must contain the information in paragraphs (c)(1) through (3) of this section and, as applicable, paragraphs (c)(4) through (8) of this section.

(1) Company name and address.

(2) Statement by a responsible official, as defined in § 63.2, with that official's name, title, and signature, certifying the accuracy and completeness of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) Before November 12, 2024, if you had a startup, shutdown or malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in § 63.10(d)(5)(i). On or after November 12, 2024, you are not required to have a startup, shutdown, and malfunction plan and you are not required to include in your report the information in § 63.10(d)(5)(i).

(5) If there are no deviations from any emission limitations (emission limit, operating limit, opacity limit) that applies to you and there are no deviations from the requirements for work practice standards in this subpart, a statement that there were no deviations from the emission limitations, work practice standards, or operation and maintenance requirements during the reporting period.

(6) If there were no periods during which an operating parameter monitoring system was out-of-control as specified in § 63.8(c)(7), a statement that there were no periods during which the monitoring system was out-of-control during the reporting period.

(7) For each deviation from an emission limitation (emission limit, operating limit, opacity limit) and for each deviation from the requirements for work practice standards that occurs at an affected source where you are not using a continuous monitoring system to comply with the emission limitations or work practice standards in this subpart, the compliance report must contain the information in paragraphs (c)(1) through (4) of this section and the information in paragraphs (c)(7)(i) and (ii) of this section.

(i) The total operating time of each affected source during the reporting period.

(ii) Information on the number, date, time, duration, and cause of deviations (including unknown cause, if applicable), as applicable, the corrective action taken, a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(8) For each deviation from an emission limitation (emission limit,

operating limit, opacity limit, and visible emission limit) occurring at an affected source where you are using an operating parameter monitoring system to comply with the emission limitation in this subpart, you must include the information in paragraphs (c)(1) through (4) of this section and the information in paragraphs (c)(8)(i) through (xi) of this section.

(i) The cause of each deviations (including unknown cause, if applicable), the corrective action taken, a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(ii) If the monitoring system was inoperative, the date and time that each monitoring system was inoperative, except for zero (low-level) and high-level checks.

(iii) If the monitoring system was inoperative, the date, time and duration that each monitoring system was out-of-control, including the information in § 63.8(c)(8).

(iv) The number, date and time that each deviation started and stopped.

(v) A summary of the total duration of the deviation during the reporting period and the total duration as a percent of the total source operating time during that reporting period.

(vi) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(vii) A summary of the total duration of monitoring system downtime during the reporting period and the total duration of monitoring system downtime as a percent of the total source operating time during that reporting period.

(viii) A brief description of the process units.

(ix) A brief description of the monitoring system.

(x) The date of the latest monitoring system certification or audit.

(xi) A description of any changes in continuous monitoring systems, processes, or controls since the last reporting period.

(d) If you have obtained a title V operating permit pursuant to 40 CFR part 70 or 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A). If you submit a compliance report pursuant to paragraph (a) of this section along with, or as part of, the semiannual monitoring

report required by 40 CFR 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A), and the compliance report includes all required information concerning deviations from any emission limitation (including any operating limit), or work practice requirement in this subpart, submission of the compliance report is deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a compliance report does not otherwise affect any obligation you may have to report deviations from permit requirements to the permit authority.

(e) Within 60 days after the date of completing each performance test or continuous monitoring system (CMS) performance evaluation (as defined in § 63.2) required by this subpart, the owner or operator must submit the results of the performance test or performance evaluation following the procedures specified in § 63.9(k).

(1) *Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test.* Submit the results of the performance test or the performance evaluation of CMS measuring relative accuracy test audit (RATA) pollutants to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) *Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.* The results of the performance test or the performance evaluation of CMS measuring RATA pollutants by methods that are not supported by the ERT, must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

§ 63.1456 What records must I keep and how long must I keep my records?

(a) You must keep the records listed in paragraphs (a)(1) through (8) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any initial notification or notification of compliance status that you submitted, according to the requirements in § 63.10(b)(2)(xiv).

(2) Before November 12, 2024, the records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. On or after November 12, 2024, you are not required to keep the records required in § 63.6(e)(3)(iii) through (v) related to compliance with a startup, shutdown, and malfunction plan.

(3) Records of performance tests and performance evaluations as required in § 63.10(b)(2)(viii).

(4) For each monitoring system, you must keep the records specified in paragraphs (a)(4)(i) through (iv) of this section.

(i) Records described in § 63.10(b)(2)(vi) through (xi).

(ii) Monitoring data recorded by the monitoring system during a performance evaluation as required in § 63.6(h)(7)(i) and (ii).

(iii) Before November 12, 2024, previous (i.e., superseded) versions of the performance evaluation plan as required in § 63.8(d)(3). On or after November 12, 2024, you must comply with the requirements in § 63.8(d)(1) and (2). The owner or operator shall keep the written procedures required in § 63.8(d)(1) and (2) on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under § 63.8(d)(2).

(iv) Before November 12, 2024, records of the date and time that each deviation started and stopped, and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period. On or after November 12, 2024, for each failure to meet an applicable standard, you must record the information in paragraphs (a)(4)(iv)(A) through (D) of this section. Examples of such methods to estimate emissions include product-loss calculations, mass balance calculations, measurements, or

engineering judgment based on known process parameters.

(A) The occurrence and duration of each startup, shutdown, or malfunction of process, air pollution control, and monitoring equipment.

(B) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time, cause and duration of each failure.

(C) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, whether the failure occurred during a period of startup, shutdown or malfunction, actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(D) Record actions taken to minimize emissions in accordance with § 63.1447(a), and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(5) For each performance test you conduct to demonstrate compliance with an opacity limit according to § 63.1450(c), you must keep the records specified in paragraphs (a)(5)(i) through (ix) of this section.

(i) Dates and time intervals of all opacity observation period segments;

(ii) Description of overall smelter operating conditions during each observation period. Identify, if any, the smelter copper production process equipment that was out-of-service during the performance test and explain why this equipment was not in operation;

(iii) Name, affiliation, and copy of current visible emission reading certification for each visible emission observer participating in the performance test;

(iv) Name, title, and affiliation for each indoor process monitor participating in the performance test;

(v) Copies of all visible emission observer opacity field data sheets;

(vi) Copies of all indoor process monitor operating log sheets;

(vii) Copies of all data summary sheets used for data reduction;

(viii) Copy of calculation sheets of the average opacity value used to demonstrate compliance with the opacity limit; and

(ix) Documentation according to the requirements in § 63.1450(c)(9)(iv) to support your selection of the site-specific capture system operating limits used for each batch copper converter capture system when blowing.

(6) For each baghouse subject to the operating limit in § 63.1444(i) or

§ 63.1446(c), you must keep the records specified in paragraphs (a)(6)(i) and (ii) of this section.

(i) Records of alarms for each bag leak detection system.

(ii) Description of the corrective actions taken following each bag leak detection alarm.

(7) For each control device other than a baghouse or venturi wet scrubber subject to site-specific operating limits in § 63.1444(k) or § 63.1446(e), you must keep documentation according to the requirements in § 63.1450(a)(5)(iv) to support your selection of the site-specific operating limits for the control device.

(8) You must keep records of bypass stack usage, including the flow rate and operating parameter(s).

(b) Your records must be in a form suitable and readily available for expeditious review, according to § 63.10(b)(1).

(c) As specified in § 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(d) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). You can keep the records off site for the remaining 3 years.

§ 63.1457 What part of the general provisions apply to me?

Table 1 to this subpart shows which parts of the general provisions in §§ 63.1 through 63.15 apply to you.

§ 63.1458 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by us, the United States Environmental Protection Agency (U.S. EPA), or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under subpart E of this part, the authorities listed in paragraph (c) of this section are retained by the U.S. EPA Administrator and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are as listed in paragraphs (c)(1) through (5) of this section.

(1) Approval of alternatives to the emission limitations and work practice standards in §§ 63.1444 through 63.1446 under § 63.6(g).

(2) Approval of major alternatives to test methods under § 63.7(f) and as defined in § 63.90.

(3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

(5) Approval of an alternative to any electronic reporting to the EPA required by this subpart.

§ 63.1459 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act, in § 63.2, and in this section as follows:

Anode refining department means the area at a primary copper smelter in which anode copper refining operations are performed. Emission sources in the anode refining department include anode refining furnaces and utility vessels.

Baghouse means a control device that collects particulate matter by filtering the gas stream through bags. A baghouse is also referred to as a “fabric filter.”

Bag leak detection system means a system that is capable of continuously monitoring relative particulate matter (dust) loadings in the exhaust of a baghouse in order to detect bag leaks and other upset conditions. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, transmittance or other effect to continuously monitor relative particulate matter loadings.

Batch copper converter means a Peirce-Smith converter or Hoboken converter in which copper matte is oxidized to form blister copper by a process that is performed in discrete batches using a sequence of charging, blowing, skimming, and pouring.

Blowing means the operating mode for a batch copper converter during which air or oxygen-enriched air is injected into the molten converter bath.

Bypass stack means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment and conduct planned maintenance safely in accordance with the work practice standard in § 63.1444(q). The use of a bypass stack during a performance test of a process or control device will invalidate the test.

Capture system means the collection of components used to capture gases and fumes released from one or more

emission points, and to convey the captured gases and fumes to a control device. A capture system may include, but is not limited to, the following components as applicable to a given capture system design: duct intake devices, hoods, enclosures, ductwork, dampers, manifolds, plenums, and fans.

Charging means the operating mode for a batch copper converter during which molten or solid material is added into the vessel.

Control device means the air pollution control equipment used to collect particulate matter and other emissions from a gas stream.

Converting vessel means a furnace, reactor, or other type of vessel in which copper matte is oxidized to form blister copper.

Copper concentrate dryer means a vessel in which copper concentrates are heated in the presence of air to reduce the moisture content of the material. Supplemental copper-bearing feed materials and fluxes may be added or mixed with the copper concentrates fed to a copper concentrate dryer.

Copper concentrate feed means the mixture of copper concentrate, secondary copper-bearing materials, recycled slags and dusts, fluxes, and other materials blended together for feeding to the smelting vessel.

Copper converter department means the area at a primary copper smelter in which the copper converters are located. This could include a batch copper converter or other type of copper converter, such as a continuous copper converter.

Copper matte means a material predominately composed of copper and iron sulfides produced by smelting copper ore concentrates.

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limitation (including any operating limit) or work practice standard;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating

permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation (including any operating limit) or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

Emission limitation means any emission limit, opacity limit, operating limit, or visible emission limit.

Fugitive dust material means copper concentrate, dross, reverts, slag, speiss, or other solid copper-bearing materials.

Fugitive dust source means a stationary source of particulate matter emissions resulting from the handling, storage, transfer, or other management of fugitive dust materials where the source is not associated with a specific process, process vent, or stack. Examples of a fugitive dust source include, but are not limited to, on-site roadways used by trucks transporting copper concentrate, unloading of materials from trucks or railcars, outdoor material storage piles, and transfer of material to hoppers and bins.

Holding means the operating mode for a batch copper converter or a holding furnace associated with a smelting vessel during which the molten bath is maintained in the vessel but no blowing or smelting is performed nor is material added into or removed from the vessel.

New copper converter system means the copper matte is oxidized and forms copper blister by a process that is performed continuously. This system may include a flash smelting furnace, flash converting furnace, secondary gas system, a rotary dryer, anode area, matte grinding plant, hydrometallurgical plant and possibly an acid plant.

Opacity means the degree to which emissions reduce the transmission of light.

Particulate matter means any finely divided solid or liquid material, other than uncombined water, as measured by the specific reference method.

Pouring means the operating mode for a batch copper converter during which molten copper is removed from the vessel.

Primary copper smelter means any installation or any intermediate process engaged in the production of copper from copper sulfide ore concentrates

through the use of pyrometallurgical techniques.

Responsible official means responsible official as defined in 40 CFR 70.2.

Roofline vents means an exhaust system designed to evacuate process fugitive emissions that collect in the roofline area of various process buildings (e.g., smelting building roof vents, converter building roof vents, etc.).

Secondary gas system means a capture system that collects the gases and fumes released when removing and transferring molten materials from one or more vessels using tapping ports, launders, and other openings in the vessels. Examples of molten material include, but are not limited to: Copper matte, slag, and blister copper.

Skimming means the batch copper converter operating mode during which molten slag is removed from the vessel.

Slag cleaning vessel means a vessel that receives molten copper-bearing material and the predominant use of the vessel is to separate this material into molten copper matte and slag layers.

Smelting vessel means a furnace, reactor, or other type of vessel in which copper ore concentrate and fluxes are smelted to form a molten mass of material containing copper matte and slag. Other copper-bearing materials may also be charged to the smelting furnace.

TEQ means the international method of expressing toxicity equivalents for dioxins/furans as defined in EPA/100/R-10/005 (incorporated by reference, see § 63.14). The Toxic Equivalency 49 Factors (TEFs) used to determine the dioxin and furan TEQs are listed in table 3 to this subpart.

Work practice standard means any design, equipment, work practice, or operational standard, or combination thereof, that is promulgated pursuant to section 112(h) of the Clean Air Act.

**Table 1 to Subpart QQQ of Part 63—
Applicability of General Provisions to
This Subpart**

As required in § 63.1457, you must comply with the requirements of the NESHAP General Provisions (subpart A of this part) shown in the following table:

Citation	Subject	Applies to this subpart	Explanation
§ 63.1	Applicability	Yes.	
§ 63.2	Definitions	Yes.	
§ 63.3	Units and Abbreviations	Yes.	
§ 63.4	Prohibited Activities	Yes.	
§ 63.5	Construction and Reconstruction	Yes.	

Citation	Subject	Applies to this subpart	Explanation
§ 63.6(a) through (d), (e)(iii), and (f)(2) and (3), (g). § 63.6(e)(1)(i)	Compliance with Standards and Maintenance Requirements. Operation and Maintenance Requirements.	Yes. Yes before November 12, 2024. No on or after November 12, 2024.	General duty requirements to minimize emissions at all times are contained in § 63.1447(a).
§ 63.6(e)(1)(ii)	Requirement to correct malfunctions as soon as practicable.	Yes before November 12, 2024. No on or after November 12, 2024.	Malfunctions are no longer exempt.
§ 63.6(e)(2)	Reserved	No.	
§ 63.6(e)(3)	Requirement to develop a startup, shutdown, and malfunction plan.	Yes before November 12, 2024. No on or after November 12, 2024.	Startup, shutdown, and malfunction (SSM) plans are no longer necessary.
§ 63.6(f)(1)	Compliance with nonopacity emission standards during periods of startup, shutdown, and malfunction.	Yes before November 12, 2024. No on or after November 12, 2024.	Source category rules apply at all times.
§ 63.6(h)	Determining compliance with Opacity and VE standards.	No	This subpart specifies the requirements and test protocol used to determine compliance with the opacity limits.
§ 63.6(i) and (j)	Extension of Compliance and Presidential Compliance Exemption.	Yes.	
§ 63.7(a)(1) and (2)	Applicability and Performance Test Dates.	No	This subpart specifies performance test applicability and dates.
§ 63.7(a)(3), (b) through (d), (f) through (h). § 63.7(e)(1)	Performance Testing Requirements. Performance Testing	Yes. Yes before November 12, 2024. No on or after November 12, 2024.	See §§ 63.1450 and 63.1444.
§ 63.8 except for (a)(4), (c)(1)(i) and (iii), (c)(4), (d)(3), and (f)(6). § 63.8(a)(4)	Monitoring Requirements	Yes. No	This subpart does not require flares.
§ 63.8(c)(1)(i) and (iii)	Additional Monitoring Requirements for Control devices in § 63.11. Operation and Maintenance of and SSM plan for Continuous Monitoring Systems.	Yes before November 12, 2024. No on or after November 12, 2024.	Cross references to the general duty and SSM plan requirements in those paragraphs are no longer necessary.
§ 63.8(c)(4)	Continuous Monitoring System Requirements.	No	This subpart specifies requirements for operation of CMS.
§ 63.8(d)(3)	Quality Control Program	Yes before November 12, 2024. No on or after November 12, 2024.	See § 63.1456(a)(4)(iii).
§ 63.8(f)(6)	RATA Alternative	No	This subpart does not require continuous emission monitoring systems.
§ 63.9	Notification Requirements	Yes.	
§ 63.9(g)(5)	DATA reduction	No	This subpart specifies data reduction requirements.
§ 63.10 except for (b)(2)(i), (ii), (iv), (v), and (xiii), (c)(7), (8), and (15), and (d)(5). § 63.10(b)(2)(i)	Recordkeeping and reporting Requirements. General Recordkeeping Requirements during Startup and Shutdown.	Yes. Yes before November 12, 2024. No on or after November 12, 2024.	No longer necessary because recordkeeping and reporting applicable to normal operations will apply to startup and shutdown.
§ 63.10(b)(2)(ii)	General Recordkeeping Requirements during Startup, Shutdown, and Malfunction and Failures to Meet Standards.	Yes before November 12, 2024. No on or after November 12, 2024.	See § 63.1456(a)(4)(iv) for recordkeeping requirements for a deviation from a standard.
§ 63.10(b)(2)(iv)	Actions Taken to Minimize Emissions during Startup, Shutdown, and Malfunction.	Yes before November 12, 2024. No on or after November 12, 2024.	See § 63.1456 for the recordkeeping requirements of actions taken to minimize emissions and record corrective actions.
§ 63.10(b)(2)(v)	Actions Taken to Minimize Emissions during Startup, Shutdown, and Malfunction.	Yes before November 12, 2024. No on or after November 12, 2024.	Requirements to document that actions taken during SSM events are consistent with SSM plan are no longer required.
§ 63.10(b)(2)(xiii)	CMS Records for RATA Alternative.	No	This subpart does not require continuous emission monitoring systems.

Citation	Subject	Applies to this subpart	Explanation
§ 63.10(c)(7)–(8)	Records of Excess Emissions and Parameter Monitoring Exceedances for CMS.	No	This subpart specifies record keeping requirements.
§ 63.10(c)(15)	Use of SSM Plan	Yes before November 12, 2024. No on or after November 12, 2024.	This provision would be eliminated because it referenced the source's SSM plan, which is no longer required.
§ 63.10(d)(5)	SSM Reporting and Record-keeping Requirements.	Yes before November 12, 2024. No on or after November 12, 2024.	See §§ 63.1455(c)(4) and 63.1456.
§ 63.11	Control Device Requirements	No	This subpart does not require flares.
§ 63.12	State Authority and Delegations ...	Yes.	
§§ 63.13 through 63.16	Addresses, Incorporation by Reference, Availability of Information, Performance Track Provisions.	Yes.	

**Table 2 to Subpart QQQ of Part 63—
Non-Mercury HAP Emission Limits**

As required in § 63.1444(o), you must meet each emission limit in the following table that applies to you.

For. . .	You must meet the following emission limit
Each new and existing combination of stacks or other vents from the copper concentrate dryers, converting department, the anode refining department, and the smelting vessels.	Benzene emissions must not exceed 1.7E–03 lb/ton copper concentrate feed charged to the smelting vessel.
Each new and existing combination of stacks or other vents from the copper concentrate dryers, converting department, the anode refining department, and the smelting vessels.	Toluene emissions must not exceed 8.4E–04 lb/ton copper concentrate feed charged to the smelting vessel.
Each new and existing combination of stacks or other vents from the copper concentrate dryers, converting department, the anode refining department, and the smelting vessels.	Chlorine emissions must not exceed 5.4E–03 lb/ton copper concentrate feed charged to the smelting vessel.
Each new and existing combination of stacks or other vents from the copper concentrate dryers, converting department, the anode refining department, and the smelting vessels.	Hydrogen chloride emissions must not exceed 1.5E–03 lb/ton copper concentrate feed charged to the smelting vessel.
Each new and existing combination of stacks or other vents from the copper concentrate dryers, converting department, the anode refining department, and the smelting vessels.	Polycyclic aromatic hydrocarbons (excluding naphthalene) emissions must not exceed 1.0E–04 lb/ton copper concentrate feed charged to the smelting vessel.
Each new and existing combination of stacks or other vents from the copper concentrate dryers, converting department, the anode refining department, and the smelting vessels.	Naphthalene emissions must not exceed 2.8E–04 lb/ton copper concentrate feed charged to the smelting vessel.
Each new and existing combination of stacks or other vents from the copper concentrate dryers, converting department, the anode refining department, and the smelting vessels.	Dioxins/Furans emissions ¹ must not exceed 6.0E+01 ng TEQ/Mg copper concentrate feed charged to the smelting vessel.

¹ Determined using the toxic equivalency factors listed in Table 2 of Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2, 3, 7, 8- Tetrachlorodibenzo-p-dioxin and Dioxin-Like Compounds (incorporated by reference, see § 63.14).

**TABLE 3 TO SUBPART QQQ OF PART
63—2010 TOXIC EQUIVALENCY FAC-
TORS (TEFs)**

Congener	TEF (mammals)
2,3,7,8-Te CDD	1
1,2,3,7,8-Pe CDD	1
1,2,3,4,7,8-HxCDD	0.1
1,2,3,6,7,8-HxCDD	0.1
1,2,3,7,8,9-HxCDD	0.1
1,2,3,4,6,7,8-HpCDD	0.01

**TABLE 3 TO SUBPART QQQ OF PART
63—2010 TOXIC EQUIVALENCY FAC-
TORS (TEFs)—Continued**

Congener	TEF (mammals)
OCDD	0.0003
2,3,7,8-Te CDF	0.1
1,2,3,7,8-Pe CDF	0.03
2,3,4,7,8-Pe CDF	0.3
1,2,3,4,7,8-HxCDF	0.1
1,2,3,6,7,8-HxCDF	0.1

**TABLE 3 TO SUBPART QQQ OF PART
63—2010 TOXIC EQUIVALENCY FAC-
TORS (TEFs)—Continued**

Congener	TEF (mammals)
2,3,4,6,7,8-HxCDF	0.1
1,2,3,7,8,9-HxCDF	0.1
1,2,3,4,6,7,8-HpCDF	0.01
1,2,3,4,7,8,9-HpCDF	0.01
OCDF	0.0003

TABLE 4 TO SUBPART QQQ OF PART 63—COMPLIANCE DATES FOR AMENDMENTS BEING PROMULGATED ON MAY 13, 2024

If the construction/reconstruction date is . . .	Then the owner or operator must comply with . . .	And the owner or operator must achieve compliance . . .
On or before January 11, 2022.	Requirements for existing sources in §§ 63.1444(f)(2) and (3), (l); 63.1446; 63.1449; ¹ 63.1450(a) and (d); and 63.1451 through 63.1456, as applicable.	On or before May 13, 2025.
After January 11, 2022	Requirements for existing sources in §§ 63.1444(h); 63.1449; ¹ 63.1450(e); and 63.1451 through 63.1456, as applicable.	On or before May 13, 2026.
On or before July 24, 2023.	Requirements for new sources in §§ 63.1444(e)(1) and (2), (f)(2) and (3), (h), (m); 63.1446; 63.1449; ¹ 63.1450(a), (d), (e); and 63.1451 through 63.1456, as applicable.	Upon initial startup or May 13, 2024, whichever is later.
On or before May 13, 2024.	Requirements for existing sources in §§ 63.1444(g); 63.1449; ¹ 63.1450(a); and 63.1451 through 63.1456, as applicable.	On or before May 13, 2027.
After July 24, 2023	Requirements for existing sources in §§ 63.1444(o); 63.1449; ¹ 63.1450(f); and 63.1451 through 63.1456, as applicable.	On or before May 13, 2025.
On or before May 13, 2024.	Requirements for existing sources in §§ 63.1444(q); 63.1449; ¹ 63.1450(a), (g); and 63.1451 through 63.1456, as applicable.	On or before November 12, 2024.
	Requirements for new sources in §§ 63.1444(o), (q); 63.1449; ¹ 63.1450(a), (f), (g); and 63.1451 through 63.1456, as applicable.	Upon initial startup or May 13, 2024, whichever is later.
	Requirements for existing sources in §§ 63.1444(p); 63.1449; ¹ 63.1450(g); and 63.1451 through 63.1456, as applicable.	On or before May 13, 2027.

¹ Section 63.1449(a) provides that any necessary performance test is conducted within 180 days of the compliance date.

FIGURE 1 TO SUBPART QQQ OF PART 63—DATA SUMMARY SHEET FOR DETERMINATION OF AVERAGE OPACITY

[illegible]

Subpart EEEEEEE—National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources

■ 5. Amend § 63.11147 by revising paragraphs (b)(6), (c)(1) and (5), (d), and (e) to read as follows:

§ 63.11147 What are the standards and compliance requirements for existing sources not using batch copper converters?

* * * * *

(b) * * *

(6) You must submit to the permitting authority by the 20th day of each month a report summarizing the 24-hour average mass PM₁₀ emissions rates for the previous month. Beginning

November 12, 2024, the owner or operator must electronically submit all subsequent reports in PDF format to the EPA via CEDRI, which can be accessed through EPA's CDX (<https://cdx.epa.gov/>) following the procedures specified in § 63.9(k).

* * * * *

(c) * * *

(1) At all times, you must maintain and operate any affected source,

including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the permitting authority which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

* * * * *

(5) Before November 12, 2024, as an alternative to the requirements in paragraph (c)(4) of this section, you must comply with the startup, shutdown, and malfunction requirements in § 63.6(e)(3). On or after November 12, 2024, you may not use the requirements in § 63.6(e)(3) as an alternative to the requirements in paragraph (c)(4) of this section. You must comply with all emissions limitation or work practice standards in this subpart at all times.

(d) *Deviations.* You must submit written notification to the permitting authority of any deviation from the requirements of this subpart, including the number, date, time, duration, and the cause of such events (including unknown cause, if applicable); a list of the affected sources or equipment; an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions; and the probable cause of such deviations and any corrective actions or preventative measures taken. You must submit this notification within 14 days of the date the deviation started.

(e) *Reports.* (1) You must submit semiannual monitoring reports to your permitting authority. All instances of deviations from the requirements of this subpart must be clearly identified in the reports. The report must contain the number, date, time, duration, and the cause of each deviation (including unknown cause, if applicable); a list of the affected sources or equipment; an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions; and the probable cause of such deviations and any corrective actions or preventative measures taken. Examples

of methods used to estimate the emissions would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters.

(2) Beginning November 13, 2024, the owner or operator must electronically submit all subsequent semiannual monitoring reports in PDF format to the EPA via CEDRI, which can be accessed through EPA's CDX (<https://cdx.epa.gov/>) following the procedures specified in § 63.9(k).

* * * * *

■ 6. Amend § 63.11148 by:

■ a. Revising paragraphs (a)(1), (a)(3)(ii), (a)(4)(iv), (b)(1), (b)(2)(i), (b)(4), (c)(2) and (4), (e)(3), (f)(1), (f)(4)(ii) and (iii), (f)(5), (g), and (h); and

■ b. Adding paragraph (i).

The revisions and addition read as follows:

§ 63.11148 What are the standards and compliance requirements for existing sources using batch copper converters?

(a) * * *

(1) For each copper concentrate dryer, you must not discharge to the atmosphere from the dryer vent any gases that contain filterable particulate matter (PM) in excess of 0.022 grains per dry standard cubic foot (gr/dscf).

* * * * *

(3) * * *

(ii) You must not cause to be discharged to the atmosphere from the capture system used to comply with paragraph (a)(3)(i) of this section any gases that contain filterable PM in excess of 0.022 gr/dscf.

(4) * * *

(iv) For each secondary capture system that is used to comply with paragraph (a)(4)(ii) of this section and is not vented to a gas cleaning system controlling PM and a sulfuric acid plant, you must not cause to be discharged to the atmosphere any gases that contain filterable particulate matter in excess of 0.02 grains/dscf.

(b) * * *

(1) Each COMS must meet Performance Specification 1 in appendix B to 40 CFR part 60.

(2) * * *

(i) You must automatically (intrinsic to the opacity monitor) check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of Performance Specification 1 in appendix B to 40 CFR part 60.

* * * * *

(4) You must log in ink or electronic format and maintain a record of 24-hour

opacity measurements performed in accordance with paragraph (b)(3) of this section and any corrective actions taken, if any. A record of corrective actions taken must include the start date, start time, and duration in hours during which the 24-hour rolling average opacity exceeded 15 percent and the start date, start time and type of the corrective action and the date and time the corrective action was completed.

(c) * * *

(2) The baghouse leak detection system must meet the specifications and requirements in paragraphs (c)(2)(i) through (vi) of this section.

(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations that can effectively discern any dysfunctional leaks of the baghouse.

(ii) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.

(iii) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(iv) The bag leak detection system must be equipped with an alarm system that will sound automatically when an increase in relative particulate emissions over a preset level is detected. The alarm must be located where it is easily heard by plant operating personnel.

(v) The bag leak detection system must be installed downstream of the baghouse.

(vi) The bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations. The calibration of the system must, at a minimum, consist of establishing the relative baseline output level by adjusting the sensitivity and the averaging period of the device and establishing the alarm set points and the alarm delay time.

* * * * *

(4) You must log in ink or electronic format and maintain a record of installation, calibration, maintenance, and operation of the bag leak detection system. If the bag leak detection system alarm sounds, the records must include an identification of the date and time of all bag leak detection alarms, their cause, the time you initiated corrective actions, and an explanation of the corrective actions taken, including the date corrective actions were completed, if any.

* * * * *

(e) * * *

(3) Before November 12, 2024, you must conduct each performance test according to § 63.7(e)(1) using the test methods and procedures in paragraphs (e)(3)(i) through (v) of this section. On or after November 12, 2024, you must conduct each performance test using the test methods and procedures in paragraphs (e)(3)(i) through (vi) of this section.

(i) Method 1 or 1A in appendix A–1 to 40 CFR part 60 to select sampling port locations and the number of traverse points in each stack or duct. Sampling sites must be located at the outlet of the control device (or at the outlet of the emissions source if no control device is present) prior to any releases to the atmosphere.

(ii) Method 2, 2A, 2C, 2D, 2F, or 2G in appendices A–1 and A–2 to 40 CFR part 60 to determine the volumetric flow rate of the stack gas.

(iii) Method 3, 3A, or 3B in appendix A–2 to 40 CFR part 60 to determine the dry molecular weight of the stack gas. You may use ANSI/ASME PTC 19.10–1981 (incorporated by reference—see § 63.14) as an alternative to EPA Method 3B manual portion only and not the instrumental portion.

(iv) Method 4 in appendix A–3 to 40 CFR part 60 to determine the moisture content of the stack gas.

(v) Method 5 in appendix A–3 to 40 CFR part 60 to determine the PM concentration for negative pressure baghouses or Method 5D in appendix A–3 to 40 CFR part 60 for positive pressure baghouses. A minimum of three valid test runs are needed to comprise a PM performance test.

(vi) You must conduct each performance test that applies to your affected source under normal operating conditions of the affected source. The owner or operator may not conduct performance tests during periods of malfunction. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent the entire range of normal operation, including operational conditions for maximum emissions if such emissions are not expected during maximum production. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(f) * * *

(1) At all times, you must maintain and operate any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with

safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the permitting authority which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

* * * * *

(4) * * *

(ii) You must document through signed contemporaneous logs or other relevant evidence that an emergency occurred, and you can identify the probable cause, your facility was being operated properly at the time the emergency occurred, and the corrective actions taken to minimize emissions as required by paragraph (f)(4)(i) of this section. Documentation must include the date, time, duration, of such events (including unknown cause, if applicable); a list of the affected sources or equipment; and an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(iii) You must submit a notice of the emergency to the permitting authority within two working days of the time when emission limitations were exceeded due to the emergency (or an alternate timeframe acceptable to the permitting authority). This notice must contain the number, date, time, duration, and the cause of such events (including unknown cause, if applicable); a list of the affected sources or equipment; an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions; and the probable cause of such deviations and any corrective actions or preventative measures taken.

(5) Before November 12, 2024, as an alternative to the requirements in paragraph (f)(4) of this section, you must comply with the startup, shutdown, and malfunction requirements in § 63.6(e)(3). On or after November 12, 2024, you may not use the requirements in § 63.6(e)(3) as an alternative to the requirements in paragraph (f)(4) of this section. Emissions limitation or work practice standards in this subpart apply at all times.

(g) *Recordkeeping requirements.* (1) You must maintain records of the occurrence and duration in hours of each startup, shutdown, or malfunction of process, air pollution control, and monitoring equipment.

(2) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time, cause and duration of each failure.

(3) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, whether the failure occurred during a period of startup, shutdown or malfunction, actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(4) Record actions taken to minimize emissions in accordance with § 63.11147(c), paragraph (f) of this section, or § 63.11149(c)(3) as applicable, and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(5) You must maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this section recorded in a permanent form suitable for inspection. The file must be retained for at least 5 years following the date of such measurements, maintenance, and reports.

(6) Any records required to be maintained by this subpart that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

(h) *Reporting requirements.* (1) You must prepare and submit to the permitting authority an excess emissions and monitoring systems performance report and summary report every calendar quarter. A less frequent reporting interval may be used for either report as approved by the permitting authority.

(2) The summary report must include the information in paragraphs (h)(2)(i) through (iv) of this section.

(i) The magnitude of excess emissions computed, any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period. Examples of methods used to estimate the emissions would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters.

(ii) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

(iii) The date, time, and duration in hours identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(iv) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information must be stated in the report.

(i) *Electronic reporting requirements.* Beginning on November 13, 2024, within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in § 63.9(k).

(1) *Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test.* Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The data must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) *Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.* The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

■ 7. Revise § 63.11149 to read as follows:

§ 63.11149 What are the standards and compliance requirements for new sources?

(a) *Emissions limits and work practice standards.* (1) You must not discharge to the atmosphere exhaust gases that contain filterable PM in excess of 0.6 pound per ton of copper concentrate feed charged on a 24-hour average basis from any combination of stacks, vents, or other openings on furnaces, reactors, or other types of process vessels used for the production of anode copper from copper sulfide ore concentrates by pyrometallurgical techniques. Examples of such process equipment include, but are not limited to, copper concentrate dryers, smelting flash furnaces, smelting bath furnaces, converting vessels, combined smelting and converting reactors, anode refining furnaces, and anode shaft furnaces.

(2) You must operate a capture system that collects the gases and fumes released during the transfer of molten materials from smelting vessels and converting vessels and conveys the collected gas stream to a baghouse or other PM control device.

(3) You must operate one or more capture systems that collect the gases and fumes released from each vessel used to refine blister copper, remelt anode copper, or remelt anode scrap and convey each collected gas stream to a baghouse or other PM control device. One control device may be used for multiple collected gas streams.

(b) *Monitoring requirements.* (1) You must install, operate, and maintain a PM continuous emissions monitoring system (CEMS) to measure and record PM concentrations and gas stream flow rates for the exhaust gases discharged to the atmosphere from each affected source subject to the emissions limit in paragraph (a)(1) of this section. A single PM CEMS may be used for the combined exhaust gas streams from multiple affected sources at a point before the gases are discharged to the atmosphere. For each PM CEMS used to comply with this paragraph (b)(1), you must meet the requirements in paragraphs (b)(1)(i) through (iii) of this section.

(i) You must install, certify, operate, and maintain the PM CEMS according to EPA Performance Specification 11 in appendix B to 40 CFR part 60, and the quality assurance requirements of Procedure 2 in appendix F to 40 CFR part 60.

(ii) You must conduct an initial performance evaluation of the PM CEMS according to the requirements of Performance Specification 11 in

appendix B to 40 CFR part 60.

Thereafter, you must perform the performance evaluations as required by Procedure 2 in appendix F to 40 CFR part 60.

(iii) You must perform quarterly accuracy determinations and daily calibration drift tests for the PM CEMS according to Procedure 2 in appendix F to 40 CFR part 60.

(2) You must install, operate, and maintain a weight measurement system to measure and record the weight of the copper concentrate feed charged to the smelting vessel on a daily basis.

(3)(i) You must comply with the requirements in § 63.8(d)(1) and (2).

(ii) The owner or operator shall keep the written procedures required in § 63.8(d)(1) and (2) on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under § 63.8(d)(2).

(c) *Compliance requirements.* (1) You must demonstrate initial compliance with the emissions limit in paragraph (a)(1) of this section using the procedures in paragraph (c)(2) this section within 180 days after startup and report the results in your notification of compliance status no later than 30 days after the end of the compliance demonstration.

(2) You must demonstrate continuous compliance with the emissions limit in paragraph (a)(1) of this section using the procedures in paragraphs (c)(2)(i) through (iii) of this section whenever your facility is producing copper from copper concentrate.

(i) You must continuously monitor and record PM emissions, determine and record the daily (24-hour) value for each day, and calculate and record the daily average pounds of filterable PM per ton of copper concentrate feed charged to the smelting vessel according to the requirements in paragraph (b) of this section.

(ii) You must calculate the daily average at the end of each calendar day for the preceding 24-hour period.

(iii) You must maintain records of the calculations of daily averages with supporting information and data, including measurements of the weight of copper concentrate feed charged to

the smelting vessel. Collected PM CEMS data must be made available for inspection.

(3)(i) At all times, you must maintain and operate any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the permitting authority which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(ii) All pollution control equipment must be installed, maintained, and operated properly. Instructions from the vendor or established maintenance practices that maximize pollution control must be followed. All necessary equipment control and operating devices, such as pressure gauges, amp meters, volt meters, flow rate indicators, temperature gauges, continuous emissions monitor, etc., must be installed, operated properly and easily accessible to compliance inspectors. A copy of all manufacturers' operating instructions for pollution control equipment and pollution emitting equipment must be maintained at your facility site. These instructions must be available to all employees who operate the equipment and must be made available to the permitting authority upon request. Maintenance records must be made available to the permitting authority upon request.

(iii) You must document the activities performed to assure proper operation and maintenance of the air pollution control equipment and monitoring systems or devices. Records of these activities must be maintained as required by the permitting authority.

(4)(i) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time, the cause and duration of each failure.

(ii) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(iii) Record actions taken in accordance with the general duty requirements to minimize emissions in paragraph (c)(3) of this section and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(d) *Alternative startup, shutdown, and malfunction requirements.* Before November 12, 2024, you must comply with the requirements specified in this paragraph (d) as an alternative to the requirements in § 63.6(e)(3). On or after November 12, 2024, you may not use the requirements in § 63.6(e)(3) as an alternative to the requirements in this paragraph (d). Emissions limitation or work practice standards in this subpart apply at all times. In the event of an emergency situation, you must comply with the requirements specified in paragraphs (d)(1) through (3) of this section. For the purpose of complying with this paragraph (d), an emergency situation is any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility owner or operator that requires immediate corrective action to restore normal operation, and that causes the affected source to exceed an applicable emissions limitation under this subpart, due to unavoidable increases in emissions attributable to the emergency. An emergency must not include noncompliance to the extent it is caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(1) During the period of the emergency, you must implement all reasonable steps to minimize levels of emissions that exceeded the emission standards or other applicable requirements in this subpart.

(2) You must document through signed contemporaneous logs or other relevant evidence that an emergency occurred and you can identify the probable cause, your facility was being operated properly at the time the emergency occurred, and the corrective actions taken to minimize emissions as required by paragraph (d)(1) of this section.

(3) You must submit a notice of the emergency to the permitting authority within two working days of the time when emissions limitations were exceeded due to the emergency (or an alternate timeframe acceptable to the permitting authority). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(e) *Reports.* (1) You must submit to the permitting authority by the 20th day of each month a summary of the daily average PM per ton of copper

concentrate feed charged to the smelting vessel for the previous month.

(2) Beginning November 12, 2024, the owner or operator must electronically submit all subsequent monthly PM emission reports and notification of compliance status in PDF format to the EPA via CEDRI, which can be accessed through EPA's CDX (<https://cdx.epa.gov/>) following the procedures specified in § 63.9(k).

(3) For each deviation from an emission limitation in paragraph (a)(1) of this section occurring at an affected source, you must include in your semiannual monitoring report the information in paragraphs (e)(3)(i) through (x) of this section.

(i) The date and time that each malfunction started and stopped.

(ii) The start date, and start time, and duration in hours (or minutes for CEMS) that each continuous monitoring system was inoperative, except for zero (low-level) and high-level checks.

(iii) The start date, start time, and duration in hours (or minutes for CEMS) that each continuous monitoring system was out-of-control, including the information in § 63.8(c)(8).

(iv) The total duration in hours (or minutes for CEMS) of all deviations for each CMS during the reporting period, the total operating time in hours of the affected source during the reporting period, a summary of the total duration of the deviation during the reporting period and the total duration as a percent of the total source operating time during that reporting period.

(v) A breakdown of the total duration in hours (or minutes for CEMS) of the deviations during the reporting period including those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(vi) The total duration in hours (or minutes for CEMS) of continuous monitoring system downtime for each CMS during the reporting period, the total operating time in hours of the affected source during the reporting period, and the total duration of CMS downtime as a percent of the total source operating time during the reporting period.

(vii) A brief description of the process units.

(viii) The monitoring equipment manufacturer and model number and the pollutant or parameter monitored.

(ix) The date of the latest continuous monitoring system certification or audit.

(x) A description of any changes in continuous monitoring systems, processes, or controls since the last reporting period.

■ 8. Amend § 63.11151 by adding the definition “Blowing” in alphabetical order and revising the definition “Capture system” to read as follows:

§ 63.11151 What definitions apply to this subpart?

* * * * *

Blowing means the operating mode for a batch copper converter during which air or oxygen-enriched air is injected into the molten converter bath.

Capture system means the collection of components used to capture gases and fumes released from one or more emissions points and then convey the captured gas stream to a control device. A capture system may include, but is not limited to, the following

components as applicable to a given capture system design: duct intake devices, hoods, enclosures, ductwork, dampers, manifolds, plenums, and fans.

* * * * *

■ 9. Amend § 63.11152 by:

■ a. Revising paragraph (c) introductory text;

■ b. Removing the undesignated paragraph after paragraph (c)(5); and

■ c. Adding paragraph (c)(6).

The revision and addition read as follows:

§ 63.11152 Who implements and enforces this subpart?

* * * * *

(c) The authorities that will not be delegated to State, local, or tribal

agencies are listed in paragraphs (c)(1) through (6) of this section.

* * * * *

(6) Approval of an alternative to any electronic reporting to the EPA required by this subpart.

■ 10. Revise table 1 to subpart EEEEEEE of part 63 to read as follows:

Table 1 to Subpart EEEEEEE of Part 63—Applicability of General Provisions to This Subpart

As required in § 63.11150(a), you must comply with the requirements of the NESHAP General Provisions (subpart A of this part) as shown in the following table.

Citation	Subject	Applies to this subpart?	Explanation
§ 63.1(a)(1) through (4), (6), and (10) through (12), (b)(1) and (3), (c)(1), (2), and (5), (e).	Applicability	Yes..	
§ 63.1(a)(5) and (7) through (9), (b)(2), (c)(3) and (4), (d).	Reserved	No..	
§ 63.2	Definitions	Yes..	
§ 63.3	Units and Abbreviations	Yes..	
§ 63.4	Prohibited Activities and Circumvention.	Yes..	
§ 63.5	Preconstruction Review and Notification Requirements.	No..	
§ 63.6(a), (b)(1) through (5) and (7), (c)(1), (2), and (5).	Compliance with Standards and Maintenance Requirements—Applicability and Compliance Dates.	Yes..	
§ 63.6(e)(1)(i)	Operation and Maintenance Requirements—general duty to minimize emissions.	Yes before November 12, 2024 ... No on or after November 12, 2024.	See §§ 63.11147(c) and 63.11148(f) for the general duty to minimize emissions at all times at existing sources. See § 63.11149(c)(3) for the general duty to minimize emissions at all times at new sources.
§ 63.6(e)(1)(ii)	Requirement to correct malfunctions as soon as practicable..	Yes before November 12, 2024 ... No on or after November 12, 2024.	Malfunctions are no longer exempt.
§ 63.6(e)(1)(iii) .....	.....	Yes..	
§ 63.6(e)(3)	Startup, Shutdown, and Manufacturing Plan.	Yes before November 12, 2024 ... No on or after November 12, 2024.	The requirements for emergency situations for existing sources are contained in §§ 63.11147(c)(5) and 63.11148(f)(5). See § 63.11149(d) for the emergency requirements for new sources.
§ 63.6(f)(1)	Compliance with Nonopacity Emission Standards.	Yes before November 12, 2024 ... No on or after November 12, 2024.	Emission standards apply at all times. Some requirements of § 63.6(f)(1) are no longer applicable.
§ 63.6(f)(2) through (3) .....	.....	Yes..	
§ 63.6(g), (i), (j)	Compliance with Nonopacity Emission Standards.	Yes..	
§ 63.6(h)(1)	Compliance with Opacity and Visible Emission Standards.	Yes before November 12, 2024 ... No on or after November 12, 2024.	Requirements apply to new sources but not existing sources. Emission standards apply at all times. Some requirements of § 63.6(h)(1) are no longer applicable.
§ 63.6(b)(6), (c)(3) and (4), (d), (e)(2), (e)(3)(ii), (h)(2)(ii), (h)(3), (h)(5)(iv), (i)(15).	Reserved	No..	

Citation	Subject	Applies to this subpart?	Explanation
§ 63.6(h)(2) through (4), (h)(5)(i) through (iii), (h)(6) through (9).	.....	Yes/No.	Requirements apply to new sources but not existing sources.
§ 63.7(a), (e)(2) through (4), (f), (g), (h).	Performance Testing Requirements.	Yes..	
§ 63.7(e)(1)	Performance Testing Requirements.	No	See § 63.11148(e) for performance testing requirements.
§ 63.7(b), (c) .....	.....	Yes/No	Notification of performance tests and quality assurance program apply to new sources but not existing sources.
§ 63.8(a)(1) and (2), (b), (c)(1)(ii), (c)(2) through (8), (f), (g).	Monitoring Requirements	Yes..	
§ 63.8(c)(1)(i) and (iii)	General Duty and SSM Plan Requirements for Continuous Monitoring Systems.	Yes before November 12, 2024. .. No on or after November 12, 2024..	
§ 63.8(a)(3)	Reserved	No..	
§ 63.8(a)(4) .....	.....	No	This subpart does not require flares.
§ 63.8(d)(1) and (2), (e)	Quality Control	Yes/No	Requirements for quality control program and performance evaluations apply to new sources but not existing sources.
§ 63.8(d)(3)	Written Procedures for Continuous Monitoring Systems.	Yes before November 12, 2024 ... No on or after November 12, 2024.	Requirements for quality control program and performance evaluations apply to new sources but not existing sources. See § 63.11149(b)(3).
§ 63.9(a), (b)(1), (2), and (5), (c), (d), (h)(1) through (3), (5), and (6), (i), (j).	Notification Requirements	Yes..	
§ 63.9(b)(3), (h)(4)	Reserved	No..	
§ 63.9(b)(4), (f) .....	.....	No..	
§ 63.9(e), (g) .....	.....	Yes/No	Notification requirements for performance test and use of continuous monitoring systems apply to new sources but not existing sources.
§ 63.9(k)	Electronic submission of notifications or reports.	Yes..	
§ 63.10(a), (b)(1), (d)(1), (2), and (4), (f).	Recordkeeping and Reporting Requirements.	Yes/No	Recordkeeping requirements apply to new sources but not existing sources.
§ 63.10(b)(2)(iii) and (vi) through (xiv), (b)(3), (c)(1), (5) through (8), and (10) through (14), (e)(1) and (2).	.....	Yes/No	Recordkeeping requirements apply to new sources but not existing sources.
§ 63.10(b)(2)(i) through (ii) and (iv) through (v).	General Recordkeeping Requirements and Actions to Minimize Emissions During Startup, Shutdown, and Malfunction.	Yes before November 12, 2024 ... No on or after November 12, 2024.	Recordkeeping requirements apply to new sources but not existing sources. See § 63.11149(c)(4). Startup, Shutdown, and Malfunction are no longer exempt from emission standards. See § 63.11148(g).
§ 63.10(c)(2) and (4) and (9)	Reserved	No..	
§ 63.10(c)(15)	Use of Startup, Shutdown, and Malfunction Plan.	For new sources, Yes before November 12, 2024. No on or after November 12, 2024.	Recordkeeping requirements apply to new sources but not existing sources. Startup, Shutdown, and Malfunction Plans are no longer required.
§ 63.10(d)(3), (e)(4) .....	.....	No	Reporting requirements apply to new sources but not existing sources.
§ 63.10(d)(5)	Startup, Shutdown, and Malfunction Reporting.	For new sources, Yes before November 12, 2024. No on or after November 12, 2024.	Reporting requirements apply to new sources but not existing sources. See §§ 63.11147(e), 63.11148(h), 63.11149(e)(2).
§ 63.10(e)(3) .....	.....	Yes/No	Reporting requirements apply to new sources but not existing sources.
§ 63.11	Control Device Requirements	No	This subpart does not require flares.

Citation	Subject	Applies to this subpart?	Explanation
§ 63.12	State Authorities and Delegations	Yes..	
§ 63.13	Addresses	Yes..	
§ 63.14	Incorporations by Reference	Yes..	
§ 63.15	Availability of Information and Confidentiality.	Yes..	
§ 63.16	Performance Track Provisions	Yes..	



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Part VI

Department of Health and Human Services

42 CFR Part 71

Control of Communicable Diseases; Foreign Quarantine: Importation of
Dogs and Cats; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 71

[CDC Docket No. CDC–2023–0051]

RIN 0920–AA82

Control of Communicable Diseases; Foreign Quarantine: Importation of Dogs and Cats

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: The Centers for Disease Control and Prevention (CDC), in the Department of Health and Human Services (HHS), issues this final rule to provide clarity and safeguards that address the public health risk of dog-maintained rabies virus variant (DMRVV) associated with the importation of dogs into the United States. This final rule addresses the importation of cats as part of overall changes to the regulations affecting both dogs and cats, but the final rule does not require that imported cats be accompanied by proof of rabies vaccination and does not substantively change how cats are imported into the United States.

DATES: This final rule is effective August 1, 2024.

FOR FURTHER INFORMATION CONTACT: Ashley C. Altenburger, J.D., Division of Global Migration Health, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H16–4, Atlanta, GA 30329. Telephone: 1–800–232–4636. For information regarding CDC operations and importations: Dr. Emily Pieracci, D.V.M., Division of Global Migration Health, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H16–4, Atlanta, GA 30329; Telephone: 1–800–232–4636.

SUPPLEMENTARY INFORMATION: This rule is organized as follows:

- I. Executive Summary
 - a. Purpose of This Regulatory Action
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- II. Public Participation
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 - d. National Environmental Policy Act (NEPA)

e. Executive Order 12988: Civil Justice Reform

f. Executive Order 13132: Federalism
g. The Plain Language Act of 2010

I. Executive Summary

A. Purpose of This Regulatory Action

Through this final rule, HHS/CDC is revising its regulation at 42 CFR 71.51 to prevent the reintroduction and spread of dog-maintained rabies virus variant (DMRVV) in the United States. HHS/CDC is also revising 42 CFR 71.50, which contains definitions applicable to animal importations under 42 CFR part 71, subpart F. The United States was declared DMRVV-free in 2007.¹ The importation of just one dog infected with DMRVV risks re-introduction of the virus into the United States; such a public health threat could result in the loss of human and animal life and consequential economic impact.^{2,3,4} The rabies virus can infect any mammal, and, once clinical signs appear, the disease is almost always fatal.⁵ A DMRVV-infected dog can transmit the virus to humans, domestic pets, livestock, or wildlife. Importing inadequately vaccinated dogs from countries at high risk of DMRVV (high-risk countries)⁶ involves a significant public health risk to people who directly interact with those dogs. This rule also includes requirements for dogs from DMRVV-free and low-risk countries to confirm that the dog has not been in a high-risk country during the six months before arriving in the United States. In 2019, the importation of a DMRVV-infected dog cost the affected State governments more than \$400,000 U.S. dollars (USD) for the ensuing public health investigations and rabies post-exposure prophylaxis (PEP)

¹ Centers for Disease Control and Prevention. US Declared Canine-Rabies Free. <https://www.cdc.gov/media/pressrel/2007/r070907.htm>. Accessed June 1, 2023.

² World Bank (2012). People, Pathogens and Our Planet: The Economics of One Health. Retrieved from <https://openknowledge.worldbank.org/handle/10986/11892>. Accessed December 19, 2023.

³ Raybern, C et al. Rabies in a dog imported from Egypt-Kansas, 2019. *MMWR Morb Mort Wkly Rep* 2020; 69 (38): 1374–1377.

⁴ Jeon S, Cleaton J, Meltzer M, et al. Determining the post-elimination level of vaccination needed to prevent re-establishment of dog rabies. *PLoS Neg Trop Dis* 2019; 13 (12): e0007869.

⁵ Fooks AR, Banyard AC, Horton DL, Johnson N, McElhinney LM, Jackson AC. Current status of rabies and prospects for elimination. *Lancet* 2014;384:1389–99.

⁶ A complete list of countries with high risk of DMRVV is available at “High-Risk Countries for Dog Rabies.” <https://www.cdc.gov/importation/bringing-an-animal-into-the-united-states/high-risk.html>. Accessed June 8, 2023.

treatments administered to exposed persons.^{7,8}

Through this final rule, HHS/CDC also seeks to prevent and deter the importation of dogs with falsified or fraudulent rabies vaccine documentation. In 2020, CDC observed a 52 percent increase in the number of dogs that were ineligible for admission due to falsified or fraudulent documentation, as compared to 2018 and 2019 (450 dogs compared to the previous baseline of 300 dogs per year out of an estimated 32,530 foreign-vaccinated dogs arriving annually from DMRVV high-risk countries as reported in Section VIIA).^{9,10} This troubling trend continued from January through June 2021, prior to the implementation of the temporary suspension in July 2021,¹¹ with an additional 24 percent increase of dogs ineligible for admission in just the first half of the year, compared to the full 2020 calendar year (January–December) (approximately 560 dogs with falsified or fraudulent documentation).¹² This final rule will also support CDC’s efforts to improve data collection related to dog importation, including tracking the total number of dog importations which CDC has been unable to do previously across all ports and for all importations.

The use of a single false rabies vaccination certificate (RVC)¹³ or other rabies vaccination document as part of a larger shipment of multiple dogs raises suspicion that the rabies vaccination documents for the remaining dogs may also be false. This is not an uncommon occurrence¹⁴ and creates an additional

⁷ Raybern, C et al. Rabies in a dog imported from Egypt-Kansas, 2019. *MMWR Morb Mort Wkly Rep* 2020; 69 (38): 1374–1377.

⁸ Centers for Disease Control and Prevention (2022). Rabies Postexposure Prophylaxis. Retrieved from https://www.cdc.gov/rabies/medical_care/index.html.

⁹ Centers for Disease Control and Prevention. Quarantine Activity Reporting System (version 4.9.8.2.2A). Dog importation data, 2018–2020. Accessed: 15 February 2021.

¹⁰ Pieracci EG, Wallace R, Maskery B, Brouillette C, Brown C, Joo H. Dogs on the move: Estimating the risk of rabies in imported dogs in the United States, 2015–2022. *Zoonoses and Public Health* 2024; 00:1–9 DOI: 10.1111/zph.13122.

¹¹ Temporary Suspension of Dogs Entering the United States from High-Risk Rabies Countries. *Federal Register*, 86 FR 32041 (June 16, 2021).

¹² Centers for Disease Control and Prevention. Port Health Activity Reporting System (version 4.9.8.2.2A). Dog importation data, January 1, 2021–July 14, 2021. Accessed: 01 October 2021.

¹³ Centers for Disease Control and Prevention. What is a valid rabies vaccination certificate? Available at: www.cdc.gov/importation/bringing-an-animal-into-the-united-states/vaccine-certificate.html.

¹⁴ Centers for Disease Control and Prevention. Port Health Activity Reporting System (version 4.9.8.2.2A). Dog importation data, 2018–2021. Accessed: 26 March 2024.

burden on CDC and State health departments to track, test, and evaluate the remaining dogs in the shipment.

CDC has documented numerous importations every year in which flight parents¹⁵ transport dogs for the purpose of resale, adoption, or transfer of ownership that do not meet CDC's entry requirements. These flight parents often claim the dogs are their personal pets to avoid U.S. Department of Agriculture (USDA) Animal Care¹⁷ entry requirements and potential tariffs or fees under CBP regulations. Even when well-meaning, these importers jeopardize public health, as many of them do not know the history of the animals they are transporting. Deterring individuals who serve as flight parents from supporting fraudulent dog importations has proven difficult despite the existence of CBP penalties relating to aiding unlawful importations and fraudulent conduct. See 19 U.S.C. 1592 and 19 U.S.C. 1595a.

The documented increase in fraudulent vaccine documentation and importers circumventing dog import regulations was shortly followed by the emergence of the coronavirus disease 2019 (COVID-19) pandemic. Many public health resources were redirected to the COVID-19 response, reducing the availability of resources to respond to dog importation issues. In light of this confluence of events, in June 2021, CDC published a temporary suspension of dogs entering the United States from DMRVV high-risk countries.¹⁸ The temporary suspension created a system that, among other things, implemented the use of standardized forms, required test results demonstrating the presence of rabies antibodies in dogs, and developed a network of animal care facilities authorized by CDC for the purpose of allowing for the immediate quarantine of dogs from DMRVV high-risk countries arriving with inadequate proof of test results. During the temporary suspension, CDC has documented decreased instances of

fraud, fewer dogs being denied admission into the country, and fewer sick and dead dogs arriving in the United States from both DMRVV high-risk and DMRVV-free and low-risk countries, all of which have resulted in fewer Federal and State agency resources devoted to addressing issues related to inadequate rabies vaccination and/or documentation. This final rule implements a similar regulatory framework, expanded to dogs from DMRVV-free and low-risk countries, based on the documented successes of the temporary suspension.

B. Summary of Major Provisions

In this final rule, HHS/CDC aligns U.S. import requirements for dogs with the importation requirements of other DMRVV-free countries by requiring proof of rabies vaccination and adequate serologic test results from a CDC-approved laboratory. The final rule requires for all dog imports: a microchip, six-month minimum age requirement for admission, and importer submission of a CDC import form (*CDC Dog Import Form*). The rule requires airlines to confirm documentation, provide safe housing for animals, and assist public health officials in determining cause of animal illness or death.

B.i. Requirements for All Dogs

Per this final rule, HHS/CDC requires that all dogs arriving from any country, including dogs returning to the United States after traveling abroad, be microchipped with an International Standards Organization (ISO)-compatible microchip prior to travel into the United States. The microchip information must be included on importation documents to help ensure that dogs presented for admission are the same dogs as those listed on the rabies vaccination records or other documents. CDC has documented several instances of importers attempting to present records of vaccinated dogs as the vaccination records for dogs that lacked appropriate veterinary paperwork in an attempt to import the unvaccinated dogs into the United States without detection.¹⁹ Because microchips were not required for entry into the United States at that time and the dogs in question were not microchipped, the public health investigations to confirm the identity of those dogs were both resource-intensive and challenging. Microchips are used

frequently by pet owners and required for international transit by many foreign countries, including for importation in many DMRVV-free countries.

Microchips are also recommended by the international veterinary community and animal rescue and welfare organizations to reunite lost animals with their owners and ensure that the veterinary records for an animal can be linked to the animal.²⁰ Further, during CDC's temporary suspension of dogs entering the United States from DMRVV high-risk countries, CDC documented that 99 percent (>20,000) of permit applications received were for dogs that had microchips implanted prior to the announcement of the suspension. Therefore, CDC's requirement has minimal impact on dog importations, although costs to some importers may still be incurred.

To address concerns about importations of puppies that are too young to be properly vaccinated against rabies, through this final rule, HHS/CDC requires that any dog arriving in the United States be at least six months of age. Dogs cannot be vaccinated effectively against rabies before 12 weeks of age and are not considered fully vaccinated until 28 days after vaccination.²¹ Establishing a six-month minimum age requirement for the import of dogs aligns with current USDA requirements for commercial dog imports under the Animal Welfare Act and will better protect the public's health from rabies.²²

In this final rule, HHS/CDC also requires all dog importers to submit a *CDC Dog Import Form* (i.e., an online form that includes the importers' contact information and information related to each dog being imported) via a CDC-approved system prior to travel to the United States. This requirement would apply to all imported dogs (including dogs arriving from DMRVV-free and DMRVV low-risk countries) arriving in the United States by air, land, or sea. Upon arrival at a U.S. port, importers must present a receipt confirming they submitted a completed *CDC Dog Import Form*; additionally, importers arriving by air must present the receipt to the airline prior to boarding. The receipt contains the information submitted on the *CDC Dog*

¹⁵ "Flight parent" means any person transporting one or more animals on behalf of an importer for purposes of resale, adoption, or to transfer ownership. A flight parent is typically solicited through social media and may be compensated (including through goods and services, e.g., complimentary airplane ticket, paid baggage fees, other paid fees) or be uncompensated. Flight parents must possess all required Federal licenses or registrations to transport animals.

¹⁶ Centers for Disease Control and Prevention. Port Health Activity Reporting System (version 4.9.8.8.2.2A). Dog importation data, 2018–2021. Accessed: 15 April 2024.

¹⁷ <https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/usda-animal-care-overview>.

¹⁸ Temporary Suspension of Dogs Entering the United States from High-Risk Rabies Countries. *Federal Register*, 86 FR 32041 (June 16, 2021).

¹⁹ Centers for Disease Control and Prevention. Port Health Activity Reporting System (version 4.9.8.8.2.2A). Dog importation data, 2018–2020. Accessed: February 15, 2021.

²⁰ American Veterinary Medical Association. Microchipping FAQ. <https://www.avma.org/resources-tools/pet-owners/petcare/microchips-reunite-pets-families/microchipping-faq>. Accessed June 1, 2023.

²¹ National Association of State Public Health Veterinarians. Compendium of animal rabies prevention and control, 2016. *JAVMA* 2016; 248 (5):505–517.

²² 7 U.S.C. 2148.

Import Form, which allows government officials to verify that the details from the *CDC Dog Import Form* match the dog being presented for entry. CDC's import submission system is a free online system. Requiring documentation for all imported dogs allows CDC to track the total number of dog importations (including the number imported from DMRVV high-risk countries), something CDC has been unable to do previously.

To improve vaccination verification systems and deter fraud, CDC's required forms (not including the electronically submitted *CDC Dog Import Form*) need to be endorsed by official government veterinarians in the country of export. Importers should contact their local veterinarian who can submit the required form to an official government veterinarian in the exporting country. Importers may also use the USDA pet travel website or IPATA website to contact a pet shipper to request assistance.^{23 24}

All dogs arriving by air are required to have an air waybill (AWB). An AWB is a legally binding document issued by a carrier to a shipper or importer that details the type, quantity, and destination of the goods (*i.e.*, dogs) being carried. It serves as a tracking number that can assist Federal agencies in monitoring the dog throughout the lifecycle of the dog's travel from the point of origin to the final destination. Additionally, a bill of lading serves as undisputed proof of shipment, and it represents the agreed upon terms and conditions for the transportation of the goods. All commercial airlines and many private cargo aircraft are capable of generating AWB. Additionally, CDC has successfully piloted the generation of AWB for dogs transported as hand-carried or excess baggage with several foreign air carriers during the temporary suspension to ensure air carriers can generate AWB for dogs transported as hand-carried or excess baggage.

B.ii. Requirements for Dogs From DMRVV-Free or DMRVV Low-Risk Countries

This final rule further permits dogs imported from DMRVV-free or DMRVV low-risk countries to arrive at any U.S. port.²⁵ In lieu of a CDC vaccination form, which is required for dogs imported from DMRVV high-risk countries, these importers may instead provide proof (examples outlined in

paragraph (u)) that the dogs have been in DMRVV-free or DMRVV low-risk countries only during the six months prior to arriving in the United States.

TB.iii. Requirements for Dogs From DMRVV High-Risk Countries

Per this final rule, HHS/CDC requires all importers of dogs that have been in a DMRVV high-risk country within the last six months, regardless of whether foreign- or U.S.-vaccinated, to submit a standardized vaccination form verifying the rabies vaccination status of the dog. This final rule permits dogs that have been in a DMRVV high-risk country in the past six months and have a valid U.S.-issued rabies vaccination form to arrive at any U.S. port. For dogs that have been in a DMRVV high-risk country in the past six months, and were vaccinated in a foreign country, this final rule requires that the dog arrive at a U.S. airport with a CDC quarantine station (also known as a port health station) and a CDC-registered animal care facility (ACF).

HHS/CDC is removing the current requirement for a valid RVC in 42 CFR 71.51(c) and replacing it with new rabies vaccination forms for dogs imported from DMRVV high-risk countries. The rabies vaccination forms include the rabies vaccination status of the dog and other required information similar to the previous valid RVC requirement. However, unlike the previous requirement for a valid RVC, the rabies vaccination forms are standardized.

The rabies vaccination form for foreign-vaccinated dogs from DMRVV high-risk countries must also be endorsed by a government official in the exporting country, as an added measure to prevent falsification. The name for the rabies vaccination form to fulfill this requirement for foreign-vaccinated dogs from DMRVV high-risk countries was shortened from *CDC Import Certification of Rabies Vaccination and Microchip Required for Live Dog Importations into the United States* as proposed in the notice of proposed rulemaking (NPRM) to *Certification of Foreign Rabies Vaccination and Microchip*. The requirement for this standardized form helps ensure that foreign-vaccinated dogs imported from DMRVV high-risk countries meet CDC entry requirements prior to traveling to the United States and allows for follow-up with the exporting country's government officials if repeated import violations occur.

Under this final rule, importers of U.S.-vaccinated dogs, including dogs that have been in a DMRVV high-risk country within the last six months, may

arrive at any U.S. port. Prior to traveling out of the United States with a U.S.-vaccinated dog that will be present in a DMRVV high-risk country, the dog owner must obtain a form titled *Certification of U.S.-issued Rabies Vaccination* that must be completed and signed by a USDA-Accredited Veterinarian. The name for this rabies vaccination form was shortened from *Certification of U.S.-issued Rabies Vaccination for Live Dog Re-entry into the United States* as proposed in the NPRM to *Certification of U.S.-issued Rabies Vaccination*. CDC is partnering with USDA to utilize the USDA export process to verify an animal was vaccinated in the United States. This form must be endorsed by a USDA Official Veterinarian prior to the dog's departing the United States and must be presented by the importer to the airline to board the dog on its return flight to the United States. The importer must also present this form when requested to do so by U.S. government officials upon arrival. By having USDA-accredited veterinarians certify documents before export from the United States, CDC can confirm the dogs were previously vaccinated in the United States. The use of this form decreases the likelihood of missing or incomplete vaccination documentation because it includes all required information in a standardized format and relies on USDA's existing veterinary accreditation system for animal exportation. This form will also reduce instances of fraud or falsification because it can be verified by any U.S. government agency online through USDA's website after the USDA official veterinarian certifies the document. Dogs from DMRVV high-risk countries arriving with this form are not subject to the requirement for veterinary examination (unless ill, injured, or exposed), revaccination, confirmation of adequate rabies serologic tests, and/or post-vaccination quarantine at a CDC-registered ACF.

HHS/CDC is requiring importers of foreign-vaccinated dogs that have been in a DMRVV high-risk country within the last six months to enter the United States through an airport with a CDC quarantine station and a CDC-registered ACF. The importer must have a reservation at the CDC-registered ACF and have their dog(s) undergo a veterinary exam and revaccination with a USDA-licensed rabies vaccine at the CDC-registered ACF. The importer must obtain a rabies serologic test from a CDC-approved laboratory for their foreign-vaccinated dogs demonstrating adequate titer levels. Importers of foreign-vaccinated dogs that have been

²³ USDA Pet Travel. www.aphis.usda.gov/pet-travel/us-to-another-country-export.

²⁴ International Pet and Animal Transportation Association. www.ipata.org.

²⁵ U.S. Port means any seaport, airport, or border crossing point under the control of the United States. 42 CFR 71.1(b).

in a DMRVV high-risk country within the last six months who cannot obtain serologic test results prior to importation are required to have their dog remain under quarantine at the facility for 28 days after revaccination or until confirmation of adequate rabies serologic test from a CDC-approved laboratory is obtained, whichever occurs first.

CDC is requiring the use of CDC-registered ACF as opposed to community veterinary clinics because (1) ACF are trained to quarantine animals, and to observe and report abnormalities in quarantined animals to CDC; (2) ACF undergo, at a minimum, an annual inspection to ensure compliance with CDC regulations; (3) ACF are experienced in pet transportation and trained to meet requirements established by airlines, exporting countries, and U.S. importation requirements; and (4) ACF are bonded facilities that have special equipment and insurance for goods (*i.e.*, dogs) that are awaiting clearance into the United States.

B.iv. Exemption for Foreign-Vaccinated Service Dogs at U.S. Seaports

In this final rule, HHS/CDC is allowing foreign-vaccinated service dogs that have been in a DMRVV high-risk country within the last six months to enter the U.S. at a U.S. seaport if the dog is at least six months of age; has a microchip; has a complete, accurate, and valid *Certification of Foreign Rabies Vaccination and Microchip* form; and has sufficient and valid titer results from a CDC-approved laboratory. To be considered a valid service dog, the dog must meet the definition of a “service animal”²⁶ under 14 CFR 382.3 and accompany an “individual with a disability”²⁷ as defined under 14 CFR

²⁶ Under 14 CFR 382.3, *Service animal* means “a dog, regardless of breed or type, that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Animal species other than dogs, emotional support animals, comfort animals, companionship animals, and service animals in training are not service animals for the purposes of this part.”

²⁷ Under 14 CFR 382.2, *Individual with a disability* “means any individual who has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

As used in this definition, the phrase: (a) *Physical or mental impairment* means:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or

382.3. This exemption is limited to foreign-vaccinated service dogs entering the United States via seaports and is not available to foreign vaccinated dogs entering via air or at land ports. Under this final rule, airlines must confirm that foreign vaccinated dogs, including foreign vaccinated service dogs meet all CDC requirements prior to allowing dogs to board an aircraft. Therefore, CDC had determined that a special exemption for foreign-vaccinated service dogs arriving via air is not needed because airlines must confirm that these dogs meet all CDC requirements prior to arrival. Under such circumstances, an individual with a disability can choose to remain with their service animal and seek to rebook their flights after all CDC requirements have been met. Similarly, CDC has determined that a special exemption for foreign vaccinated service dogs is not needed at land ports because if the dogs do not meet all CDC requirements for entry, the dogs will be denied entry to the United States. Under these circumstances, the individual can choose to remain with their dogs on the non-U.S. side of the land border and then seek admission after all CDC requirements have been met. CDC further notes that there are fewer available ACFs close to land ports and allowing an exemption for foreign vaccinated service animals at land ports would be operationally impracticable. Regarding the exemption for service animals entering via seaports, CDC believes that this exemption would most likely be used by individuals with disabilities traveling with their service animals on board cruise ships and that these individuals would presumably be visiting the United States for a very short period of time before reboarding the ship (*e.g.*, under circumstances where an individual with a disability is participating on a shore excursion). Based on the limited amount of time that these service animals will be spending in the United States and the fact that cruise operators maintain their own vaccination requirements for service dogs, CDC believes that the rabies risk presented by foreign-vaccinated service dogs temporarily visiting the United States via cruise ship is low. The volume of foreign-

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The term *physical or mental impairment* includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.”

vaccinated service dogs arriving from high-risk countries on board non-cruise sea vessels is also believed to be very small, compared to the number of foreign-vaccinated service dogs arriving from high-risk countries entering the US via land and air which presents a greater public health risk and the need for enforcement of the requirements without an exemption.

B.v. Requirements for Dogs From DMRVV-Restricted Countries

The final rule also authorizes HHS/CDC to prohibit or otherwise restrict the importation of dogs into the United States from certain countries that have a history of exporting dogs infected with DMRVV or have demonstrated a lack of appropriate veterinary controls to prevent the exportation of rabid dogs. HHS/CDC will maintain a “List of DMRVV-Restricted Countries” from which the importation of dogs into the United States would be prohibited on CDC’s website; however, HHS/CDC is not including any countries on this list at this time. Additions or removals of countries will be announced in notices published in the **Federal Register** and would include a timeline for implementation. CDC retains the ability to allow certain importers to apply for and for CDC to issue *CDC Dog Import Permits* on an extremely limited basis for dogs that have been in a DMRVV-restricted country in the six months prior to their importation into the United States (*e.g.*, for dogs imported for scientific purposes, for use as a service animal for individuals with disabilities,²⁸ or in furtherance of an important government interest).

B.vi. Requirements for Airlines

The final rule further requires that an airline, prior to accepting a dog for transport, confirm that the dog possess all required import documentation based on the country of origin. Airlines must also ensure that foreign-vaccinated dogs from DMRVV high-risk countries are entering the United States only through a designated U.S. airport with both a CDC quarantine station and a CDC-registered ACF and that the importer possesses a reservation with the CDC-registered ACF for examination, vaccination, and quarantine (if required). Air carriers are required to create bill of lading (*e.g.*, air waybill (AWB)) for all dogs entering the United States via air, including dogs

²⁸ Emotional support animals are not recognized as service animals. U.S. Department of Transportation. Service Animals. <https://www.transportation.gov/individuals/aviation-consumer-protection/service-animals>, last updated June 9, 2021.

transported as cargo, hand-carried and checked-baggage. As needed, CDC will coordinate with the airline regarding transport of the dog to the CDC-registered ACF. These regulatory actions help ensure that dogs arriving in the United States from DMRVV high-risk countries are adequately protected against rabies and do not pose a public health threat.

The final rule requires that airlines return dogs or cats denied admission to the country of departure within 72 hours after arrival, unless the animal is ill or injured and CDC has approved delaying the return of the animal. The responsibility for a dog or cat pending admission into the United States or awaiting return to the country of departure has been a point of confusion for many airlines, resulting in delayed care and improper housing for numerous animals. Delays in returning dogs to their countries of departure also potentially threaten U.S. public health by exposing people to dogs with unknown rabies vaccination status. HHS/CDC requires that the airline that flew a dog or cat to the United States must arrange for and ensure transportation, housing, and care until the animal is either returned to the country of departure or cleared for entry into the United States.

This final rule also includes a provision regarding dogs and cats that die *en route* to the United States or that die while detained pending determination of their admissibility. This provision is primarily directed at airlines and requires that they arrange for transportation of deceased dogs and cats and for necropsy requiring gross and histopathologic examination and any subsequent infectious disease testing based on the findings. The importer is responsible for all costs associated with transportation, necropsy and testing and providing the CDC quarantine station²⁹ with the final

necropsy report and all test results. The airline is also required to notify the CDC quarantine station of jurisdiction³⁰ prior to transporting a dead dog or cat for a necropsy to determine whether rabies testing is required. These measures will help CDC rule out foreign animal diseases of public health concern³¹ as a potential cause of death, enable CDC to take responsive measures as needed, and will protect both animal and human health. The provisions of this paragraph may also be applied to other carriers transporting such dogs and cats in the very rare event when the death of a dog or cat occurs *en route* to the United States, or the animal dies while detained pending determination of admissibility.

The final rule requires airlines to confirm prior to boarding a foreign-vaccinated dog from a DMRVV high-risk country that the dog is scheduled to arrive at an approved U.S. airport and the importer has documentation confirming a reservation at the CDC-registered ACF. This ensures that CDC and USDA can follow up with airlines more easily to confirm animals are being properly handled (*e.g.*, not left in cargo warehouses for prolonged periods of time that endanger the health of the animal). Additionally, to address concerns relating to the movement of dogs or cats that are sick or dead upon arrival, HHS/CDC requires airlines to arrange transportation of all sick or dead animals (regardless of vaccination status and country of origin) to a CDC-registered ACF or, under certain conditions, to another CDC-approved veterinary clinic as soon as possible.

The final rule requires airlines to transport healthy-appearing animals

that are denied admission and awaiting return to their country of departure, or are awaiting a determination as to their admissibility, to a CDC-registered ACF within 12 hours. CDC acknowledges that extraordinary circumstances, such as extreme weather, may delay the transport of animals beyond the 12-hour window. Under such circumstances, CDC will work closely with airlines to address these rare and unforeseen events while ensuring the safe handling of animals. CDC also will work with importers who arrive at unapproved U.S. ports based on circumstances beyond their control (*e.g.*, re-routing of their flight due to extreme weather). CDC quarantine station staff are available 24 hours a day to assist streamlined coordination and processing of dog and cat importation at U.S. ports and provide coverage for geographic areas beyond the U.S. port in which the CDC quarantine station is located.

B.vii. Other Requirements and Summary

HHS/CDC is establishing requirements for businesses that wish to become CDC-registered ACF. Requirements include a USDA intermediate handlers registration and approved by CBP to act as a CBP-bonded facility with an active Facilities Information and Resource Management System (FIRMS) code. This ensures dogs and cats receive appropriate veterinary care and are housed in a way that prevents the spread of infectious diseases while protecting the safety of the animals. CDC-registered ACF must be located within 35 miles of a CDC quarantine station.

The requirements HHS/CDC is finalizing for dog importation into the United States are summarized below in Table E1. Since HHS/CDC is not substantially changing cat importation requirements, Table E1 does not apply to cats.

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²⁹ CDC quarantine stations are also known as U.S. Port Health Stations.

³⁰ CDC quarantine station jurisdictions, available at: www.cdc.gov/quarantine/quarantine-stations-us.html.

³¹ U.S. Department of Agriculture. Notifiable Diseases and Conditions. <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/nvap/NVAP-Reference-Guide/Animal-Health-Emergency-Management/Notifiable-Diseases-and-Conditions>.

Table E1. Summary table of finalized importation requirements for dogs based on vaccination status and country of origin				
	Requirements for Admission			
	Age	ISO-Compatible Microchip	Documentation	Approved U.S. Ports
U.S.-Vaccinated Dog from DMRVV High-Risk Country	At least six months of age	Yes	Valid <i>Certification of U.S.-issued Rabies Vaccination</i> form and <i>CDC Dog Import Form</i> receipt	All U.S. ports
Foreign-Vaccinated Dog from DMRVV High-Risk Country	At least six months of age	Yes	Reservation with a CDC-registered Animal Care Facility, <i>Certification of Foreign Rabies Vaccination and Microchip</i> form, <i>CDC Dog Import Form</i> receipt, titer results from a CDC-approved laboratory (dogs without titer results will be required to quarantine)	Only U.S. airports with a CDC quarantine station and a CDC-registered Animal Care Facility*
Dog from DMRVV-Free or DMRVV Low-Risk Country	At least six months of age	Yes	There are no vaccination requirements; however, requires written documentation that the dog has resided or otherwise been only in DMRVV low-risk or DMRVV-free countries during the six months prior to the attempted entry and <i>CDC Dog Import Form</i> receipt	All U.S. ports
U.S.- or Foreign-Vaccinated Dog from DMRVV-Restricted Country	At least six months of age	Yes	<i>CDC Dog Import Permit</i> for limited groups of dogs (e.g., service animals, government-owned animals)	Only U.S. airports with a CDC quarantine station and a CDC-registered Animal Care Facility

* All service dogs entering at U.S. seaports must be six months of age, have an ISO-compatible microchip, have a receipt confirming submission of a *CDC Dog Import Form*, and have both a valid *Certification of Foreign Rabies Vaccination and Microchip* and sufficient and valid titer results from a CDC-approved laboratory. Service dogs that meet these requirements will not be required to be examined and revaccinated at an ACF.

The forms HHS/CDC is requiring per this final rule for dog importation into the United States are summarized below	in Table E2. Since HHS/CDC is not substantially changing cat importation	requirements, Table E2 does not apply to cats.

Table E2. Summary table of forms required from importers of dogs based on vaccination status and country of origin

Form	Dog from DMRVV-free or DMRVV Low-Risk Country	U.S.-Vaccinated Dog from DMRVV High-Risk Country	Foreign-Vaccinated Dog from DMRVV High-Risk Country*	Dog from DMRVV-Restricted Country
<i>CDC Dog Import Form</i>	Required	Required	Required	Required
<i>Certification of U.S.-issued Rabies Vaccination</i>	Not Required	Required	N/A	Required**
<i>Certification of Foreign Rabies Vaccination and Microchip</i>	Not Required	N/A	Required	Required**
<i>Application for Special Exemption for a Permitted Dog Import</i>	Not Required	Not Required	Not Required	Required

* Importers of foreign-vaccinated dogs from DMRVV high-risk countries will also be required to provide additional information to the ACF to make a reservation for their dog prior to arrival in the United States.

** Importers of dogs from DMRVV-restricted countries are required to have either a valid *Certification of U.S.-issued Rabies Vaccination* form or a valid *Certification of Foreign Rabies Vaccination and Microchip* form.

The documentation HHS/CDC is requiring be presented at the U.S. port

upon arrival for dog importation into the United States is summarized below

in Table E3. Because HHS/CDC is not substantially changing cat importation

requirements, Table E3 does not apply to cats.

Table E3. Summary table of required documentation to be presented at U.S. port upon arrival for dogs based on vaccination status and country of origin				
Documentation to be Presented at U.S. Port Upon Arrival	Dog from DMRVV-free or DMRVV Low-Risk Country	U.S.-Vaccinated Dog from DMRVV High-Risk Country	Foreign-Vaccinated Dog from DMRVV High-Risk Country	Dog from DMRVV-Restricted Country
<i>CDC Dog Import Form Receipt</i>	Required	Required	Required	Required
Written documentation that the animal has resided or otherwise been only in DMRVV-free or DMRVV low-risk countries during the six months prior to the attempted entry	Required	N/A	N/A	N/A
<i>Certification of U.S.-issued Rabies Vaccination Form</i>	Not Required	Required	N/A	Not Required
Reservation with a CDC-registered Animal Care Facility	Not Required	Not Required	Required	May be required
<i>CDC Dog Import Permit</i>	N/A	N/A	N/A	Required

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C. Costs and Benefits

CDC conducted an analysis to estimate the distributions of costs and benefits incurred with the final rule relative to regulatory baseline. The provisions of this final rule are not likely to have an effect on the economy of \$200 million or more in any one year, although there is considerable uncertainty around the number of dogs imported at baseline, including the number of dogs imported from DMRVV high-risk countries.

The requirements of this final rule will address the market inefficiency in which dog importers do not account for the potential detrimental impacts to public health that may result from the importation of ill dogs, especially dogs infected with DMRVV. The worst-case scenario would include the reintroduction of DMRVV into the United States. Federal regulation is necessary to mitigate the risk of importing infected dogs. Federal action allows this risk to be addressed prior to dogs' arrival in the United States and for dogs to be evaluated, revaccinated, and possibly quarantined (if required) in controlled conditions after their arrival in the United States. The primary public health benefit is a reduction in the risk of importing dogs infected with DMRVV. The regulatory changes in this final rule are expected to affect the following categories of interested parties and implementing partners:

- Importers of dogs from countries that are DMRVV-free or are low risk for DMRVV;
- Importers of dogs from countries that are at high risk of DMRVV;
- Airlines and other carriers;
- CBP;
- CDC;
- USDA; and
- State and local public health and animal health departments.

The provisions in the final rule incorporate different requirements for dogs imported from DMRVV high-risk countries than those imported from DMRVV-free or DMRVV low-risk countries. The annualized and present value estimates of monetized costs and benefits over the 10-year period from 2024 through 2033 using three percent and seven percent discount rates are summarized below. The annualized, monetized costs (2020 USD) of the final rule are estimated to be \$59 million (range: \$13.1 to \$207 million) using a three percent discount rate; the estimated monetized costs using a seven percent discount rate are largely the same.

Most monetized costs are expected to be incurred by importers (87 percent of

costs is the most likely estimate). The estimated monetized costs are about three times greater for importers of dogs from DMRVV high-risk countries compared to importers of dogs from DMRVV-free or low-risk countries. The requirements in the final rule estimated to result in the greatest increase in costs for importers of dogs are those associated with the veterinary examination and revaccination against rabies at a CDC-registered ACF for foreign-vaccinated dogs from DMRVV high-risk countries in section 71.51(k), costs for titer testing of foreign-vaccinated dogs from DMRVV high-risk countries, additional costs associated with the *CDC Dog Import Form* requirement, the minimum age for imported dogs, and the microchip requirements for all imported dogs. Other costs include (1) an expected reduction in the number of dogs imported from DMRVV high-risk countries, (2) the requirement to arrive at one of six U.S. airports with CDC-registered ACF (required for foreign-vaccinated dogs arriving from DMRVV high-risk countries), and (3) the requirement to obtain a *Certification of Foreign Rabies Vaccination and Microchip* form or a *Certification of U.S.-issued Rabies Vaccination* form with certification by an official government veterinarian for all dogs from DMRVV high-risk countries. Dogs imported from DMRVV-free or low-risk countries would also require a document certified by an official government veterinarian, but HHS/CDC will allow a greater number of potential documents as specified in 42 CFR 71.51(u).

Airlines are estimated to incur about 7.0 percent of the estimated annualized costs associated with the final rule. Most airline costs would result from ensuring that all transported dogs comply with the new requirements in the final rule, the costs associated with creating bills of lading or a CDC-approved alternative for all imported dogs, and from a small reduction in the number of dogs transported. Airline costs may be passed along to dog importers.

HHS/CDC is estimated to incur about 3.3 percent of the annualized, monetized costs (most likely estimate) associated with the provisions of this final rule. Most CDC costs would be associated with the oversight of animal care facilities, which must be approved by and registered with CDC, and the establishment of a laboratory proficiency testing program to support serologic testing for foreign-vaccinated dogs imported from DMRVV high-risk countries.

CBP is expected to incur about 3.0 percent of the annualized costs (most likely estimate) associated with the provisions of this final rule. Most CBP costs would result from additional screening time at U.S. ports for dogs from DMRVV-free or low-risk countries.

The annualized monetized benefits of the provisions in the final rule are estimated to be about \$1.8 million (range: \$0.75 to \$3.6 million) using a three percent or seven percent discount rate. Most benefits will accrue to importers (47 percent of the most likely estimates) and to CBP (30 percent of the most likely estimate). Some of the benefits estimated for both importers and CBP will result from reduced time spent on screening dogs from high-risk countries at U.S. ports because fewer dogs will be imported with the requirements included in the final rule. The requirements in the final rule are estimated to reduce the amount of time required to verify admissibility per U.S.-vaccinated dog from DMRVV high-risk country at U.S. ports because rabies vaccination documentation forms will be standardized. The provisions in this final rule are also estimated to reduce the number of dogs arriving ill or dead and the number of dogs denied entry, with benefits estimated for importers, airlines, and CDC. USDA is expected to receive payments commensurate with its cost to provide the *Certification of U.S.-issued Rabies Vaccination* form for U.S.-vaccinated dogs traveling internationally.

The wide range between the lower-bound and upper-bound cost and benefit estimates demonstrates that there is considerable uncertainty in these results. At present, the number of dogs imported into the United States is neither accurately nor completely tracked by any data system, and the uncertainty in the cost and benefit estimates reflect uncertainty in both the total number of dogs imported and the number of dogs imported from DMRVV high-risk countries, as well as the cost of the new requirements in the final rule. The net annualized, monetized costs (total cost estimate – total benefit estimate) were estimated to be about \$57 million per year (range: \$12 to \$203 million) using a three percent discount rate. The annualized estimates were relatively unaffected by using a seven percent discount rate.

Because the estimated costs for foreign-vaccinated dogs from DMRVV high-risk countries are much higher than costs for other dog imports, importers may choose to import dogs from DMRVV-free or low-risk countries instead of from DMRVV high-risk countries. In addition, individuals who

travel from the United States to DMRVV high-risk countries with their pet dogs for long-term visits may take the additional step to have their dogs revaccinated with a three-year rabies vaccine prior to departure, which would allow up to three years for return to the United States with a *Certification of U.S.-issued Rabies Vaccination*. These changes should result in lower overall costs than the above estimates for the final rule in which HHS/CDC assumed individuals would be unable to change the countries from which dogs are imported into the United States.

The importation of just one dog infected with DMRVV risks reintroduction of the virus into the United States, which could result in loss of human and animal life and substantial public health response costs. The social cost of the consequences associated with the importation of a single DMRVV-infected dog is estimated to be \$270,000 (range: \$210,000 to \$510,000) for conducting public health investigations and administering rabies PEP to exposed persons. The primary public health benefit of the provisions in the final rule is the reduced risk that a dog with DMRVV will be imported from a DMRVV high-risk country. The above estimate of the cost of importation of a dog with DMRVV does not account for the worst-case outcomes, which include (1) transmission of rabies to a person who dies from the disease, and (2) ongoing transmission to other domestic and wildlife species in the United States. The cost of reintroduction could be especially high if DMRVV spreads to other species of U.S. wildlife. Re-establishment of DMRVV in the United States could result in costly efforts over several years to eliminate the virus again. The costs to contain any reintroduction would depend on the time period before the reintroduction was detected, the wildlife species in which DMRVV was transmitted, and the geographic area over which reintroduction occurred.

An increase in human deaths from DMRVV could occur following the reintroduction of DMRVV to the United States, as the risk of exposure would increase. Human deaths from rabies continue to occur in the United States after exposures to wild animals, and there have been eight deaths among U.S. residents bitten by rabid dogs while traveling abroad in DMRVV high-risk countries since 2009. HHS/CDC uses the value of statistical life (VSL) to support quantifying benefits for interventions that can result in mortality risk reductions. HHS recommends using a central estimate of \$11.6 million and a range of \$5.5 to \$17.7 million (2020

USD). HHS/CDC is unable to estimate the potential magnitude of the mortality risk reduction associated with the final rule. Based on the central VSL, averting five human deaths per year would mean the benefits of the final rule would exceed its costs.

HHS/CDC and other Federal government agencies do not know with precision the number of dogs imported each year or the countries from which the dogs originate. More comprehensive data on where dogs are imported from may benefit public health investigations. Arrival data on animals exposed to a dog with DMRVV on U.S.-bound flights, for example, would expedite follow-up of exposed dogs in the United States. The lack of data received from implementing the current regulation also inhibits the Federal government's ability to target interventions for dogs imported from specific countries. Of note, the COVID-19 pandemic diverted resources from and weakened rabies control programs in some DMRVV high-risk countries, increasing the risk that imported dogs may be infected with DMRVV. The provisions of this final rule will be of particular public health benefit in light of the ongoing resource concerns for global rabies vaccination campaigns in the wake of the pandemic.

These data would also benefit agencies such as USDA's Animal and Plant Health Inspection Service (APHIS), which have an interest in regulating dog imports with the intent of reducing the risk of introduction of diseases that may affect U.S. livestock. For example, in 2021, APHIS issued a Federal Order that established additional post-entry requirements on dogs for resale imported from countries with ongoing African swine fever transmission, which poses a significant risk to U.S. pork producers. The potential economic benefits of reducing the risk of the importation of African swine fever could be significant; in fact, a 2019 outbreak in China was estimated to have total economic losses equivalent to 0.78 percent of China's gross domestic product. Thus, some of the requirements in this final rule may mitigate the risks of introduction and transmission of diseases that impact livestock in addition to reducing the risk of importing dogs infected with DMRVV.

The monetized cost estimate has increased considerably relative to the estimates included in the NPRM. The primary reasons for the increase in cost include:

- The fees charged by ACF have increased relative to CDC's preliminary estimates.

- Some U.S. ports require that dogs needing follow-up care at ACF arrive as cargo. This requirement was not anticipated by HHS/CDC and will increase costs for importers of foreign-vaccinated dogs from DMRVV high-risk countries who otherwise would have chosen to transport their dogs as hand-carried or checked baggage. The fee charged for cargo shipments are highly variable.^{32 33} The future costs associated with this rule will depend on U.S. port policies that are subject to change. The average cost for the follow-up visit at ACF is estimated to be \$900 (range: \$500 to \$1,300 per dog). The average costs associated with shipping dogs as cargo is estimated to be \$2,000 (range: \$1,500 to \$2,500)³⁴ compared to an average of \$300 (range: \$200 to \$400) for dogs shipped as hand-carried or checked baggage.³⁵ Under the regulatory baseline, HHS/CDC assumes 25%, range: 17% to 50% of dogs going to ACF are shipped as cargo. With the final rule, HHS/CDC assumes that 60% of dogs going to ACF, range: 60% to 70% of dogs will be shipped as cargo.

- The cost estimate for foreign-vaccinated dogs from DMRVV high-risk countries to re-route travel destinations to arrive at authorized U.S. ports with ACF was increased.

³² <http://www.airline-pet-policies.com/united-airlines-pet-policy.php>. Accessed 15 Nov 2023.

³³ Katie Morrell (March 3, 2021) How Much Does It Cost To Fly With Your Dog on a Plane? *Dailypaws.com* <https://www.dailypaws.com/living-with-pets/pet-travel/how-much-does-it-cost-to-fly-a-dog-on-a-plane>. Accessed: 06 February 2022.

³⁴ Feathers and Fur Express (2023) How much does it cost to fly a pet/s internationally? <https://ffexpresspets.com/international-pet-shipping-costs/>. Accessed November 10, 2023. Note that the costs reported in this reference include cargo shipping costs to Germany, the United Kingdom, Japan, and Australia. The reference includes costs for small and large dogs shipped to each country. Costs are much higher for larger dogs or for dogs shipped over longer distances. The highest costs were for Australia, which may be more representative of shipping costs from DMRVV high-risk countries in Africa. The European costs may be similar to shipping costs for dogs imported from DMRVV high-risk countries in Europe or Central America or South America. The costs for Japan may be similar to costs for DMRVV high-risk countries in Asia. The simple average cost across the four countries and dog sizes is \$1,931 in 2023 USD. This would correspond to \$1,622 in 2020 after adjustment with the consumer price index: https://www.bls.gov/data/inflation_calculator.htm. The most likely estimate is increased to \$2,000 in case the costs to importers from DMRVV high-risk countries would be higher than for the countries for which data are available. This increase from \$1,600 to \$2,000 would also allow some importers to choose to hire shippers to facilitate the importation process or brokers to support customs clearance. The need to hire shippers may be reduced by the need to visit CDC-registered ACF, who may be able to review documentation in advance of arrival when reservations are made.

³⁵ <http://www.airline-pet-policies.com/united-airlines-pet-policy.php>. Accessed 15 Nov 2023.

- The costs associated with the requirement for proof that a dog has been only in DMRVV low-risk or DMRVV-free countries have increased because HHS/CDC added more examples of the types of proof required. Each type of document requires certification by a USDA or official government veterinarian in the exporting country. Examples include: (a) a valid foreign export certificate from a DMRVV-free or DMRVV low-risk country that has been certified by an official government veterinarian in that country; (b) a USDA export certificate if the certificate is issued to allow the dogs to travel to a DMRVV-free or DMRVV low-risk country, (c) a valid *Certification of Foreign Rabies Vaccination and Microchip* form if completed in a DMRVV-free or DMRVV low-risk country, or (d) a valid *Certification of U.S.-Issued Rabies Vaccination* form. These documents are often required for individuals to travel internationally with their pets but are not required for travel to Canada or Mexico. These documents may be used as long as they specify travel to or from the country from which a dog is imported. Individuals who frequently travel to and from Canada and Mexico (or any other country) can obtain a valid *Certification of U.S.-Issued Rabies Vaccination* form, which will remain valid for multiple trips for up to three years corresponding to the duration of protection for dog rabies vaccines.

- CDC increased the estimated costs associated with shipping blood samples to CDC-approved laboratories for serological testing based on a number of comments from individuals suggesting their shipping costs were higher.

- CDC changed the requirement for importing dogs from DMRVV-free or low-risk countries such that no dogs less than six months may be imported at land borders. This will increase costs for individuals who wish to travel with their young dogs to or from Canada and Mexico.

- CDC increased the estimated costs to airlines by 100% for dogs imported from DMRVV-free or low-risk countries and by 50% for dogs imported from DMRVV high-risk countries to account for a number of comments suggesting that costs to airlines should be higher than the estimates included in the NPRM analysis.

Some of the cost estimates for the final rule have also decreased due to changes made between the NPRM and the final rule. These include:

- The costs to importers of U.S.-vaccinated dogs from DMRVV high-risk countries were reduced because the final rule will not require that such dogs

arrive at U.S. ports with CDC quarantine stations.

- The costs for serological testing for foreign-vaccinated dogs from DMRVV high-risk countries were reduced because CDC plans to implement a policy that only one serological test will be required during the lifetime of such dogs as long as they remain current with their rabies vaccinations.

II. Background

a. Legal Authority

The primary legal authority supporting this final rule is section 361 of the Public Health Service Act (PHS Act) (42 U.S.C. 264). Under section 361, the Secretary of HHS (Secretary) may make and enforce such regulations as in the Secretary's judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States and from one State or possession into any other State or possession.³⁶ It also authorizes the Secretary to promulgate and enforce a variety of public health regulations to prevent the spread of communicable diseases, including through inspection, fumigation, disinfection, sanitation, pest extermination, destruction of animals or articles found to be sources of dangerous infection to human beings, and other measures. Since at least 1956, Federal quarantine regulations (currently found at 42 CFR 71.51) have controlled the entry of dogs and cats into the United States.³⁷

In addition to section 361, other sections of the PHS Act relevant to this final rule are section 362 (42 U.S.C. 265), section 365 (42 U.S.C. 268), section 367 (42 U.S.C. 270), and section 368 (42 U.S.C. 271). Section 362, among other things, authorizes the Secretary to promulgate regulations prohibiting, in whole or in part, the introduction of property from foreign countries or places, for such period of time and as necessary for such purpose, to avert the serious danger of introducing communicable disease into the United States. Section 365 provides that it shall be the duty of customs officers and of Coast Guard officers to aid in the enforcement of quarantine rules and

regulations.³⁸ Through this statutory provision, U.S. Customs and Border Protection (CBP) within the Department of Homeland Security (DHS) provides critical assistance in enforcing Federal quarantine regulations at U.S. ports. Section 367 (42 U.S.C. 270) also authorizes the application of certain sections of the PHS Act to air navigation and aircraft to such extent and upon such conditions as deemed necessary for safeguarding public health and authorizes the promulgation of regulations.

Section 368 of the PHS Act provides that any person who violates regulations implementing sections 361 or 362 is subject to imprisonment of not more than one year, a fine, or both. Pursuant to 18 U.S.C. 3559 and 3571, an individual may face a fine of up to \$100,000 for a violation not resulting in death and up to \$250,000 for a violation resulting in death. HHS/CDC may refer violators to the U.S. Department of Justice for criminal prosecution. To implement section 368, HHS/CDC would request assistance from other departments and agencies to address violations.

Through this final rule, HHS/CDC is also including new language advising individuals and organizations that it may request that DHS/CBP take additional action pursuant to 19 U.S.C. 1592 and 19 U.S.C. 1595a. Specifically, CDC may request that DHS/CBP issue additional fines, citations, or penalties to importers, brokers, or carriers whenever the CDC Director (Director) has reason to believe that an importer, broker, or carrier has violated any of the provisions of this section or otherwise engaged in conduct contrary to law. HHS/CDC stresses that it does not administer Title 19, and decisions regarding whether to issue such fines, citations, or other penalties would be entirely at the discretion of DHS/CBP and subject to its policies and procedures. Notwithstanding, HHS/CDC

³⁸ 42 U.S.C. 268(b). The terms "officer of the customs" and "customs officer" are defined by statute to mean, "any officer of the United States Customs Service of the Treasury Department (also hereinafter referred to as the "Customs Service") or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person, including foreign law enforcement officers, authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the Customs Service." 19 U.S.C. 1401(i). Although this provision refers to the Secretary of the Treasury, the Homeland Security Act transferred to the Secretary of Homeland Security all "the functions, personnel, assets, and liabilities of . . . the United States Customs Service of the Department of the Treasury, including the functions of the Secretary of the Treasury relating thereto . . . [,]" 6 U.S.C. 203(1), such that reference to the Secretary of the Treasury should be read to reference the Secretary of Homeland Security.

³⁶ Although the statute assigns authority to the Surgeon General, all statutory powers and functions of the Surgeon General were transferred to the Secretary of HHS in 1966, 31 FR 8855, 80 Stat. 1610 (June 25, 1966), see also Public Law 96–88, sec. 509(b), October 17, 1979, 93 Stat. 695 (codified at 20 U.S.C. 3508(b)). The Secretary has retained these authorities despite the reestablishment of the Office of the Surgeon General in 1987.

³⁷ See 21 FR 9870 (Dec. 12, 1956).

believes it important to include this language to advise individuals and organizations that it may request that DHS/CBP pursue such actions.

Through this final rule, HHS/CDC is also including new language advising individuals and organizations that it may request that the U.S. Department of Justice investigate, and based on the results of such investigation, prosecute, potential violations of Federal law arising under its dog importation regulations. This includes potential violations of 18 U.S.C. 111 which prohibits persons from forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with government employees in the conduct of or on account of their official government duties and 18 U.S.C. 1505 which prohibits disrupting agency proceedings. *See, e.g., United States v. Schwartz*, 924 F.2d 410, 423 (2d Cir. 1991) (holding that a U.S. Customs Service interview of defendants for purposes of determining whether to seize potentially illegal arms was an “agency proceeding” under 18 U.S.C. 1505).

HHS/CDC further clarifies that there is no agency policy of using the “least restrictive means” (as that concept is typically understood and applied in cases involving interests protected by the U.S. Constitution) regarding animal importations under 42 CFR part 71. “The Due Process Clause of the Fourteenth Amendment imposes procedural constraints on governmental decisions that deprive individuals of liberty or property interests.” *Nozzi v. Hous. Auth. of City of Los Angeles*, 806 F.3d 1178, 1190 (9th Cir. 2015). However, “[d]ue process protections extend only to deprivations of protected interests.” *Shinault v. Hawks*, 782 F.3d 1053, 1057 (9th Cir. 2015). Because individuals have no protected property or liberty interest in importing dogs or other animals into the United States, it is HHS/CDC’s policy to not employ a constitutional analysis of “least restrictive means” in regard to animal imports under 42 CFR part 71. *See Ganadera Ind. V. Block*, 727 F.2d 1156, 1160 (D.C. Cir. 1984) (“no constitutionally-protected right to import into the United States”); *see also Arjay Assoc. v. Bush*, 891 F.2d 894, 896 (Fed. Cir. 1989) (“It is beyond cavil that no one has a constitutional right to conduct foreign commerce in products excluded by Congress.”).

b. Regulatory Background

On July 10, 2023, HHS/CDC published an NPRM to update 42 CFR 71.50 and 71.51 within its Foreign Quarantine regulations to address the

risk to public health from the importation of dogs and cats into the United States. The provisions contained within the NPRM were designed to enhance HHS/CDC’s ability to prevent the importation and spread of dog-maintained rabies virus variant (DMRVV) into the United States and interstate by implementing requirements that are used throughout other rabies-free countries and are recommended by animal health organizations (e.g., World Organisation for Animal Health). CDC evaluates and updates the DMRVV high-risk country list every year and generally posts the updated list on CDC’s website³⁹ by April 1. For this annual country risk assessment, CDC subject matter experts review publicly available data, including data from international organizations (including the World Health Organization (WHO); the WHO Rabies Bulletin—Europe; the Pan-American Health Organization, and the World Organisation for Animal Health (WOAH)); published government reports; scientific publications; and outbreak report alerts such as ProMED,⁴⁰ as well as information provided by national and international rabies experts. HHS/CDC will also review the information and re-assess a country’s status when presented with additional substantial data to support canine rabies-free status by a foreign country’s officials. Lastly, CDC has published the criteria for how it determines a country’s classification as a high-risk, low-risk and DMRVV-free country in peer-reviewed journal articles which are publicly available.^{41 42} Because of an ongoing risk of reintroduction of DMRVV due to insufficient veterinary controls in countries where DMRVV is still endemic and in parallel with the publication of the NPRM on July 10, 2023, CDC published an extension of the temporary suspension of dogs from DMRVV high-risk countries.⁴³ Today’s

³⁹ Centers for Disease Control. DMRVV high-risk country list. Available at: www.cdc.gov/importation/bringing-an-animal-into-the-united-states/high-risk.html.

⁴⁰ The Program for Monitoring Emerging Diseases (ProMED) is a program of the International Society for Infectious Diseases and is available at <https://promedmail.org/>.

⁴¹ Henry RE, Blanton JD, Angelo KA, Pieracci EG, Stauffer K, et al. A country classification system to inform rabies prevention guidelines and treatment. *Journal of Travel Medicine*, 2022;29(4):taac046. doi: 10.1093/jtm/taac046. PMID: 35348741.

⁴² Minhaj FS, Bonaparte SC, Boutelle C, Wallace RM. Analysis of available animal testing data to propose peer-derived quantitative thresholds for determining adequate surveillance capacity for rabies. *Scientific Reports* 2023; 13: 3986.

⁴³ Extension of Temporary Suspension of Dogs Entering the United States from High-Risk Rabies

final rule has no effect on the temporary suspension, which expires on July 31, 2024. This final rule will go into effect August 1, 2024.

III. Summary of the Final Rule

Changes to 71.50

Section 71.50(b) contains definitions applicable to animal importations under subpart F of 42 CFR part 71. The definitions contained in paragraph (b) are of general scientific applicability and thus would apply to different animal imports, not just dogs and cats. After considering public comment received to the NPRM, HHS/CDC is adding the following definitions to 42 CFR 71.50(b): Authorized veterinarian, cat, dog, histopathology, in-transit shipments, microchip, necropsy, official government veterinarian. CDC is replacing the definition for “in-transit” with the definition “in-transit shipments,” as proposed in the NRPM.

This final rule also adds a new paragraph at 42 CFR 71.50(c) that addresses the legal severability of provisions found in 42 CFR part 71 subpart F—Importations. Because the provisions relating to importations under subpart F are designed to protect the public’s health from various communicable disease threats, HHS/CDC intends that these provisions have maximum legal effect. Accordingly, HHS/CDC is adding language to ensure that, if this subpart is held by a reviewing court of law to be invalid or unenforceable by its terms, or as applied to any person or circumstance, the provision be construed so as to continue to give the maximum effect to the provision permitted by law. If a reviewing court should hold that a provision is utterly invalid or unenforceable, then HHS/CDC intends that the provision be severable from Subpart F and not affect the remainder or the application of the provision to persons not similarly situated or to dissimilar circumstances.

Changes to 71.51

Under this final rule, and after considering public comment received to the NPRM, Section 71.51(a) now contains definitions that are specifically applicable to the importation of dogs and cats under this section. HHS/CDC is adding the following definitions: animal, CDC-registered Animal Care Facility, *Certification of Foreign Rabies Vaccination and Microchip*, *CDC Dog Import Form*, *Certification of U.S.-issued Rabies Vaccination*, *Certification of Dog Arriving from DMRVV-free or*

DMRVV Low-risk Country, conditional release, confinement, DMRVV, DMRVV-free countries, DMRVV high-risk countries, DMRVV low-risk countries, DMRVV-restricted countries, flight parent, importer, SAFE TraQ, serologic testing, USDA-Accredited Veterinarian, and USDA Official Veterinarian. In response to public comment, CDC has modified the definition of importer and added definitions for “flight parent” and “*Certification of Dog Arriving from DMRVV-free or DMRVV Low-risk Country*,” definitions that were not in the NPRM. CDC has also added a definition for *CDC Dog Import Permit*, and modified and shortened the names of the required rabies vaccination forms. CDC is removing the current definition for *Valid rabies vaccination certificate* in 42 CFR 71.51 because other rabies vaccination forms will now be required. CDC is also moving the definitions for cat and dog from 71.51(a) to 71.50(a).

In 71.51(b) through 71.51(d), HHS/CDC is finalizing the section as proposed with the exception that U.S.-vaccinated dogs may enter through any U.S. port. CDC has a high degree of confidence in USDA-licensed rabies vaccines administered in the United States; therefore, the risk of a U.S.-vaccinated dog importing rabies when returning to the United States is very low. CDC also has confidence in DMRVV-free countries that have declared themselves to be free of canine rabies using WOA’s self-declared validation process in which their surveillance and vaccination data are available for external review.⁴⁴ Additionally, CDC has confidence in DMRVV-free and low-risk countries which demonstrate adequate surveillance capacity and vaccination control measures in accordance with CDC published metrics, but have not pursued a WOA self-declaration status.^{45 46} HHS/CDC is reducing the burden on importers of U.S.-vaccinated dogs by allowing greater flexibility to be admitted through any U.S. port and is finalizing as proposed the ability of importers of cats and dogs from

DMRVV-free and low-risk countries to be admitted through any U.S. port.

(b) Authorized U.S. airports for dogs and cats.

Section 71.51(b) is finalized as proposed with the exception that HHS/CDC is allowing U.S.-vaccinated dogs to enter through any U.S. airport if the dog is six months of age, microchipped, and accompanied by a valid *Certification of U.S.-issued Rabies Vaccination* form and *CDC Dog Import Form* receipt. Dogs that have been only in DMRVV-free or DMRVV low-risk countries during the last six months and all cats may also enter through any U.S. airport.⁴⁷ Foreign-vaccinated dogs that have been in any DMRVV high-risk country within the last six months must enter through a U.S. airport with a CDC quarantine station and an ACF.

(c) Authorized U.S. land ports for dogs and cats.

Section 71.51(c) has been finalized as proposed with the exception that HHS/CDC is allowing U.S.-vaccinated dogs that have been in a DMRVV high-risk country in the past six months to enter through any U.S. land port if the dog is six months of age, microchipped, and accompanied by a valid *Certification of U.S.-issued Rabies Vaccination* form and *CDC Dog Import Form* receipt. Dogs that have been only in DMRVV-free or DMRVV low-risk countries during the last six months and all cats may enter through any U.S. land port.

(d) Authorized U.S. seaports for dogs and cats.

Section 71.51(d) has been finalized as proposed with the exception that HHS/CDC is allowing U.S.-vaccinated dogs that have been in a DMRVV high-risk country in the past six months to enter through any U.S. seaport if the dog is six months of age, microchipped, and is accompanied by a valid *Certification of U.S.-issued Rabies Vaccination* form and a *CDC Dog Import Form* receipt. Dogs that have been only in DMRVV-free or DMRVV low-risk countries during the last six months and all cats may enter through any U.S. seaport.

HHS/CDC is finalizing as proposed the prohibition of entry into the United States through a U.S. seaport for unvaccinated or foreign-vaccinated dogs that have been in a DMRVV high-risk country within the last six months with an exception for dogs meeting the definition of a “service animal” under 14 CFR 382.3. This final rule allows entry if a foreign-vaccinated dog that has been in a DMRVV high-risk country within the last six months accompanies

an “individual with a disability” as defined under 14 CFR 382.3. The dog must meet all other CDC requirements for admission of a foreign vaccinated dog from a high-risk country, including that it be microchipped, at least six months of age, have a valid *Certification of Foreign Rabies Vaccination and Microchip* form, a valid serologic titer from a CDC-approved laboratory, and a *CDC Dog Import Form* receipt.

(e) Limitation on U.S. ports for dogs and cats.

Section 71.51(e) is finalized as proposed with the exception that HHS/CDC is clarifying that CBP will prescribe the time, place, and manner in which dogs are presented upon arrival at a port of entry, which may include prohibiting dogs from being presented within the Federal Inspection Station. This provision of the final rule also explicitly authorizes the CDC Director to limit the times, U.S. ports, and/or conditions under which dogs or cats may arrive at and be admitted to the United States based on an importer’s or carrier’s failure to comply with the provisions of this section or as needed to protect the public’s health. If the CDC Director determines such a limitation is required, the CDC Director will notify importers or carriers in writing of the specific times, U.S. ports, and/or conditions under which dogs and cats may be permitted to arrive at and be admitted to the United States. This provision is applicable to all U.S. ports, including land, sea, and air.

(f) Age requirement for all dogs.

Section 71.51(f) is finalized as proposed with the exception that HHS/CDC removed the exemption for importers to import up to three dogs under six months of age at U.S. land borders if arriving from DMRVV-free or DMRVV low-risk countries. This provision of the final rule requires that all dogs arriving into the United States (regardless of whether from DMRVV-free, DMRVV low-risk, or DMRVV high-risk countries) at air-, land-, and seaports be, at minimum, six months of age. As explained in further detail below, HHS/CDC originally proposed a limited exemption for dogs under six months old primarily to reduce the burden on U.S. travelers who frequently travel across the U.S. and Canada/Mexico borders and choose to travel with young dogs. However, upon further consideration and careful evaluation of the comments received, HHS/CDC has removed the exemption proposed in the NPRM to create a uniform standard for all dogs, ensure U.S.-land borders are not overwhelmed with dog importations, and reduce the risk of importers fraudulently claiming that

⁴⁴ World Organisation for Animal Health. Self-declared Disease Status. Available at: www.woah.org/en/what-we-offer/self-declared-disease-status/.

⁴⁵ Minhaj, F.S., Bonaparte, S.C., Boutelle, C. et al. Analysis of available animal testing data to propose peer-derived quantitative thresholds for determining adequate surveillance capacity for rabies. *Sci Rep* 13, 3986 (2023). <https://doi.org/10.1038/s41598-023-30984-3>.

⁴⁶ Henry RE, Blanton JD, Angelo KA, Pieracci EG, Stauffer K, et al. A country classification system to inform rabies prevention guidelines and treatment. *Journal of Travel Medicine*, 2022;29(4):taac046. doi: 10.1093/jtm/taac046. PMID: 35348741.

⁴⁷ There are no vaccination requirements for dogs that have been only in DMRVV-free or DMRVV low-risk countries during the last six months.

their dog has not been in DMRVV high-risk country.

(g) Microchip requirements for all dogs.

Section 71.51(g) is finalized as proposed with the exception that HHS/CDC is clarifying that an imported dog's microchip must have been implanted on or before the date the most recent rabies vaccine was administered. Rabies vaccines administered prior to the implantation of an imported dog's microchip are invalid. HHS/CDC is making this clarification to ensure that the dog receiving the rabies vaccine is properly identified by the microchip. Through this final rule, HHS/CDC is requiring that all dogs have an International Standards Organization (ISO)-compliant microchip prior to arrival in the United States or prior to traveling out of the United States and returning.

(h) *CDC Dog Import Form* for all dogs.

Section 71.51(h) is finalized as proposed. This provision of the final rule requires that importers submit a *CDC Dog Import Form* (OMB Control Number 0920–1383; expiration date 04/30/2027) (formerly referred to as the *CDC Import Submission Form*) via a CDC-approved system for each imported dog. The *CDC Dog Import Form* must be submitted to CDC prior to a dog's departure from the foreign country. The *CDC Dog Import Form* receipt must be presented to the airline prior to boarding and to Federal officials upon arrival.

(i) Inspection requirements for admission of dogs and cats.

Section 71.51(i) is finalized as proposed. This final rule requires that dogs and cats may be denied admission if an importer refuses to consent to required inspection, examination, diagnostic testing, or disease surveillance screening.

(j) Examination by a USDA-Accredited Veterinarian and confinement of exposed dogs and cats or those that appear unhealthy.

Section 71.51(j) is finalized as proposed with minor reorganization of the paragraph. This final rule requires that, in the event a dog or cat arrives ill, is denied admission, or is exposed to a sick animal in transit,^{48 49} the airline must arrange for confinement in an ACF or CDC-approved veterinary clinic (if an

ACF is not available or is unable to adequately care for the ill or injured animal) and transport to the facility in a way that does not expose transportation personnel or the public to communicable diseases. This provision may also be applied to other carriers transporting dogs and cats in the rare circumstances where it is necessary for public health reasons to require that the carrier arrange for examination and confinement. The importer bears the expenses of transportation, confinement, examination, testing, and treatment. The final rule further clarifies an airline's responsibilities in the event an importer abandons a dog or cat. If an importer fails to pay for such expenses, then the animal may be considered abandoned, and the airline will be required to assume financial responsibility.

(k) Veterinary examination, revaccination against rabies, and quarantine at a CDC-registered animal care facility for foreign-vaccinated dogs.

Section 71.51(k) is finalized as proposed with the exception that the paragraph name has been modified to reflect all the required components of the paragraph. However, the requirements within the paragraph have not changed. HHS/CDC is clarifying that suspected or confirmed communicable diseases need only be reported to CDC. Additional notification of Federal, state, and local public health partners will be done by CDC. HHS/CDC now requires that all foreign-vaccinated dogs arriving from DMRVV high-risk countries have a valid *Certification of Foreign Rabies Vaccination and Microchip* form and undergo veterinary examination and revaccination against rabies at an ACF upon arrival. The importer is responsible for making a reservation and all arrangements relating to the examination, revaccination, and quarantine (if quarantine is required) of dogs with an ACF prior to the dogs' arrival in the United States.

Airlines must deny boarding to dogs if the importer fails to present a receipt of the completed *CDC Dog Import Form* (OMB Control Number 0920–1383; expiration date 04/30/2027) and confirmation of a reservation at an ACF. The costs of examination, vaccination, and quarantine (if required) are the responsibility of the importer and not the United States Government. Animals that are abandoned before meeting requirements outlined below become the legal responsibility of the airline.

This final rule further requires that the dogs remain in the custody of an ACF until all of the following requirements are met:

- Veterinary health examination by a USDA-Accredited Veterinarian for signs of disease. Suspected or confirmed communicable or foreign animal diseases would be required to be reported to CDC and may delay release of the animals.

- Confirmation of microchip number.
- Confirmation of age through dental examination by a USDA-Accredited Veterinarian.

- Vaccination against rabies with a USDA-licensed rabies vaccine and administered by a USDA-Accredited Veterinarian.

- Verification of adequate rabies serologic test from a CDC-approved laboratory. To be considered valid, serologic tests must be drawn prior to arrival within an established timeframe and display results within parameters as specified in CDC technical instructions.⁵⁰ Dogs that arrive without an adequate rabies serologic test results from a CDC-approved laboratory will be housed at the ACF for a 28-day quarantine following administration of the USDA-licensed rabies vaccine or until an adequate rabies serologic test from a CDC-approved laboratory is confirmed.

(l) Registration or renewal of CDC-registered animal care facilities.

HHS/CDC is finalizing section 71.51(l) as proposed with the exception that CDC may conduct inspections of ACF which will be guided by the USDA Animal Welfare regulation standards (9 CFR parts 1, 2, and 3) and other standards outlined in *CDC's Technical Instructions for CDC-registered Animal Care Facilities*. Failure to adhere to standard operating procedures (SOP) requirements as outlined in USDA Animal Welfare regulation standards or *CDC's Technical Instructions for CDC-registered Animal Care Facilities* would constitute grounds for not registering or renewing an ACF's registration.

Per this final rule, HHS/CDC is requiring that an animal care facility register with and receive written approval from CDC, USDA, and CBP to submit their facility application before housing any imported live dog in the United States. The applicant must provide written SOP outlining how CDC's regulatory requirements will be met and the health and safety of animals and staff will be ensured. A copy of all Federal, State, or local registrations, licenses, or permits will also be required to be submitted to CDC. Additionally, HHS/CDC requires the facility to have a USDA intermediate handlers registration (and any other licenses or

⁴⁸ National Association of State Public Health Veterinarians. Compendium of animal rabies prevention and control, 2016. *JAVMA* 2016; 248 (5):505–517.

⁴⁹ Manning SE, Rupprecht CE, Fishbein D, et al. Human rabies prevention—United States, 2008: recommendations of the Advisory Committee on Immunization Practices. *MMWR Recomm Rep* 2008;57(RR-3):1–28.

⁵⁰ CDC technical instructions are posted on CDC's website at www.cdc.gov/dogtravel.

registrations required by USDA) and a FIRMS code issued by CBP.

This section has been finalized as proposed with the clarification that an ACF must be located within 35 miles of a CDC quarantine station. The facility is subject to inspection by CDC at least annually and required to renew their registration every two years. Animal health records, facilities, vehicles, or equipment to be used in receiving, examining, and processing imported animals are also subject to inspection.

(m) Record-keeping requirements at CDC-registered animal care facilities.

Section 71.51(m) is finalized as proposed with the exception that the section references a document other than a bill of lading if the airline has been granted a waiver to the bill of lading requirement under paragraph (dd). The waiver to the bill of lading requirement is discussed more fully in explanation text to section (dd). Per this final rule, HHS/CDC requires that any ACF retain records regarding each imported animal for three years after the distribution or transfer of the animal. Records must be uploaded into CDC's System for Animal Facility Tracking during Quarantine (SAFE TraQ) and completed prior to the animal's release from the facility. HHS/CDC is clarifying that records for necropsy results should be uploaded into SAFE TraQ within 30 days of an animal's death. Each record must include:

- The bill of lading (or other alternative documentation if the airline has been granted a waiver under paragraph (dd)) for each shipment;
- The name, address, phone number, and email address of the importer and owner (if different from the importer);
- The number of animals in each shipment;
- The identity of each animal in each shipment, including name, microchip number, date of birth, sex, breed, and coloring;
- The airline, flight number, date of arrival, and port of each shipment; and
- Veterinary medical records for each animal, including:
 - *Certification of Foreign Rabies Vaccination and Microchip* form (OMB Control Number 0920–1383; expiration date 04/30/2027) and rabies serology obtained before arrival in the United States (if applicable);
 - The USDA-licensed rabies vaccine administered upon arrival;
 - Veterinary exam records upon arrival and while in quarantine;
 - Rabies serology performed while in quarantine in the United States (if applicable); and

- All diagnostic test, histopathology and necropsy results performed during quarantine (if applicable).

The facility is required to maintain these records electronically and allow CDC to inspect the records.

(n) Worker protection plan and personal protective equipment (PPE).

Section 71.51(n) is finalized as proposed with the exception that HHS/CDC is noting that procedures for reporting suspected or confirmed communicable diseases associated with handling animals in facility workers must be reported to CDC within 48 hours. This requirement was included in the NPRM in paragraph (q) and has been moved to paragraph (n) for clarity. Today's final rule requires that an ACF establish and maintain a worker protection plan with standards comparable to those in the Occupational Safety and Health Administration's *Recommended Practices for Safety and Health Programs*⁵¹ and the National Association of Public Health Veterinarians (NASPHV) Compendium of Veterinary Standard Precautions for Zoonotic Disease Prevention in Veterinary Personnel.⁵² Such a worker protection plan must include rabies pre-exposure prophylaxis consistent with CDC guidance⁵³ for workers who handle imported animals with signs of illness or in quarantine, and for staff who perform necropsies of imported animals; post-exposure procedures that provide potentially exposed workers with direct and rapid access to a medical consultant; and procedures for documenting the frequency of worker training, including for those working in the quarantine area. As part of the worker protection plan, a facility must also establish, implement, and maintain hazard evaluation and worker communication procedures that include descriptions of the known communicable disease and injury hazards associated with handling animals, the need for PPE when handling animals and training in the proper use of PPE, and procedures for disinfection or safe disposal of garments, supplies, equipment, and waste.

(o) CDC-registered animal care facility standard operating procedures, requirements, and equipment standards for crating, caging, and transporting live animals.

Section 71.51(o) is finalized as proposed and requires that equipment

standards for crating, caging, and transporting live animals must be in accordance with USDA Animal Welfare regulation standards (9 CFR parts 1, 2, and 3) and International Air Transport Association standards.⁵⁴ Animals must not be removed from crates during transport, and used PPE, bedding, and other potentially contaminated material must be removed from the ground transport vehicle upon arrival at the ACF and disposed of or disinfected in a manner that would destroy potential pathogens of concern.

(p) Health reporting and veterinary service requirements for animals at CDC-registered animal care facilities.

Section 71.51(p) is finalized as proposed with the exception that HHS/CDC may allow veterinarians to confirm the age of a dog using alternative methods approved by CDC, such as ocular lens examination or radiographs. Additionally, HHS/CDC is clarifying that if an animal is suspected of having a communicable disease, it must be immediately isolated and CDC-registered ACF must implement infection prevention and control measures in accordance with industry standards and CDC technical instructions. HHS/CDC is clarifying that suspected or confirmed communicable diseases need only be reported to CDC and not to other public health entities. Additional notification of Federal, State, and local public health partners will be done by CDC. HHS/CDC also notes the paragraph name has been modified to reflect all the required components of the paragraph. However, the requirements within the paragraph have not changed. Today's final rule establishes health reporting requirements for all dogs evaluated at an ACF. Under this provision, a facility must provide the following services for each dog from a DMRVV high-risk country with a foreign-issued rabies vaccine upon arrival and ensure each animal meets CDC, USDA, and State and local entry requirements prior to release from the facility:

- Veterinary examination by a USDA-Accredited Veterinarian within one business day of arrival;
- Verification of microchip and confirmation that the microchip number matches the animal's health records;
- Verification of animal's age via a dental examination (or other CDC-approved method);
- Vaccination against rabies using a USDA-licensed vaccine; and

⁵¹ <https://www.osha.gov/safety-management>.

⁵² <http://www.nasphv.org/Documents/VeterinaryStandardPrecautions.pdf>.

⁵³ CDC. Rabies pre-exposure prophylaxis recommendations. Available at: www.cdc.gov/rabies/prevention/pre-exposure_vaccinations.html.

⁵⁴ International Air Transport Association. Live Animals. <https://www.iata.org/en/programs/cargo/live-animals>. Accessed June 7, 2023.

- Confirmation of an adequate serologic test from a CDC-approved laboratory OR completion of a 28-day quarantine after administration of the USDA-licensed rabies vaccine.

This provision also requires that the facility notify CDC within 24 hours of the occurrence of any morbidity or mortality of animals in the facility. Any animal that dies during transport or while in quarantine at a ACF is required to undergo a necropsy and diagnostic testing to determine the cause of death. An animal that arrives ill or becomes ill while at the ACF must be examined by a USDA-Accredited Veterinarian immediately and must undergo diagnostic testing to determine the cause of illness prior to release from the facility. Suspected or confirmed communicable diseases in animals must be reported to CDC within 24 hours of identification.

(q) Quarantine requirements for CDC-registered animal care facilities. Section 71.51(q) is finalized as proposed with the exception that HHS/CDC is clarifying that quarantined animals must be housed in such a manner that they do not expose other quarantined animals or non-quarantined animals (including animals other than dogs or cats). Additionally, animals in quarantine may not be housed together even if they were transported as part of the same shipment. After consideration of public comments, this final rule establishes requirements for the quarantine area at ACF to ensure animals are safely housed and do not present a public health risk to humans or other animals. These requirements include security measures within the facility to prevent unintended public exposure to quarantined animals, limited access to animal quarantine areas, monitoring animals for signs of any communicable illness, and timely notification of CDC of animals that becomes ill during quarantine. Additionally, suspected or confirmed communicable diseases in animals or facility workers must be reported to CDC. ACF must also establish standard operating procedures for safe handling and necropsy of any animal that dies in quarantine.

(r) Revocation and reinstatement of a CDC-registered animal care facility's registration. Section 71.51(r) is finalized as proposed with the exception that it explicitly references the ability of the Secretary to review a CDC revocation of an ACF registration if the Secretary so chooses. The Secretary has authority to act as final arbiter and review the CDC Director's decisions relating to animal importations if the Secretary so chooses.

Section 71.51(r) establishes procedures to revoke an ACF's registration if the Director determines that it has failed to comply with any applicable provisions of this section, including failure to abide by the facility's standard operating procedures, USDA Animal Welfare regulation standards (9 CFR parts 1, 2, and 3), or the International Air Transport Association standards.⁵⁵ Under the terms of this provision, CDC will send the facility a notice of revocation stating the grounds upon which the proposed revocation is based. If the facility contests the revocation, the facility may file a written response to the notice within five business days. All the grounds listed in the proposed revocation will be deemed admitted if the facility does not respond within five business days, in which case CDC's notice of revocation will constitute final agency action, unless the Secretary, within one business day, decides to excuse the facility's failure to respond on a timely basis.

If a facility's response is timely, the Director will review the registration, the notice of revocation, and the response. As soon as practicable after completing the written record review, the Director will issue a decision in writing that shall constitute final agency action, unless the Secretary, within one business day, decides to review the Director's decision. The Director will provide the facility with a copy of the written decision. The Director, in the Director's discretion, may reinstate a revoked registration after inspecting the facility, examining its records, conferring with the facility, and receiving information and assurance from the facility of compliance with the requirements of this section.

(s) Requirement for the *Certification of Foreign Rabies Vaccine and Microchip* form to import a foreign-vaccinated dog from DMRVV high-risk countries.

Section 71.51(s) is finalized as proposed with the exception that HHS/CDC shortened the name of the form to the *Certification of Foreign Rabies Vaccine and Microchip* (OMB Control Number 0920-1383; expiration date 04/30/2027). Through this final rule, HHS/CDC is requiring a new, standardized rabies vaccination form for all foreign-vaccinated dogs that have been in any DMRVV high-risk countries within the last six months. In addition to details about the dog, importer, and veterinarian, the form must be

completed by an Authorized Veterinarian that examined the dog in the exporting country and certified by an official government veterinarian attesting that the authorized veterinarian is licensed or authorized to practice veterinary medicine in the exporting country. The authorized veterinarian and the official government veterinarian must further attest that the information listed on the form is true and correct.

(t) Requirement for *Certification of U.S.-Issued Rabies Vaccination* Form for importers seeking to import U.S.-vaccinated dogs from DMRVV high-risk countries.

Section 71.51(t) is finalized as proposed with the exception that HHS/CDC shortened the name of the form to the *Certification of U.S.-Issued Rabies Vaccination* (OMB Control Number 0920-1383; expiration date 04/30/2027). HHS/CDC now requires that U.S.-vaccinated dogs re-entering the United States from DMRVV high-risk countries be accompanied by a *Certification of U.S.-issued Rabies Vaccination* Form. The form must be completed by a USDA-Accredited Veterinarian and endorsed by a USDA Official Veterinarian prior to the dog departing the United States. People who leave the United States with their dogs without first obtaining this form will be required to have their dogs re-enter the United States as if they are foreign-vaccinated dogs and be required to meet all the requirements as outlined in section (s) for the dogs to be eligible for re-entry from a DMRVV high-risk country.

(u) Requirement for proof that a dog has been only in DMRVV low-risk or DMRVV-free countries.

Section 71.51(u) is finalized as proposed with the exception that, based on public comment, CDC is now including a list of acceptable documents importers may provide to confirm a dog has been only in DMRVV low-risk or DMRVV-free countries during the last six months before arriving in the United States. This list includes a valid USDA export certificate, a valid foreign export certificate, a valid *Certification of Dog Arriving from DMRVV-free or DMRVV Low-risk Country* form, or other records or documents satisfactory to the Director. Importers may also provide proof of rabies vaccination, which is recommended but not required for dogs arriving from DMRVV-free or DMRVV low-risk countries, using the *Certification of Foreign Rabies Vaccination and Microchip* form or the *Certification of U.S.-Issued Rabies Vaccination* form. All forms must be endorsed by an official government veterinarian to be considered valid.

⁵⁵ International Air Transport Association. Live Animals. <https://www.iata.org/en/programs/cargo/live-animals>. Accessed June 7, 2023.

Certification of Foreign Rabies Vaccination and Microchip forms must be endorsed by an official government veterinarian in a DMRVV-free or DMRVV low-risk country to be used as proof that a dog has been only in DMRVV low-risk or DMRVV-free countries. Importers should contact their local veterinarian who can submit the required form to an official government veterinarian in the exporting country. Importers may also use the USDA pet travel website or IPATA website to contact a pet shipper to request assistance.^{56 57} The list of acceptable documents is also located on CDC's website. This final rule requires that dogs imported from DMRVV low-risk or DMRVV-free countries be accompanied by appropriate written documentation demonstrating that they have been only in DMRVV low-risk or DMRVV-free countries during the last six months. The documentation must also confirm that the dog is at least six months of age and is microchipped. There have been no changes made for cat rabies vaccination importation requirements. Instead, CDC continues to recommend that importers comply with State or Territorial requirements for rabies vaccination in cats and dogs from DMRVV-free or DMRVV low-risk countries.

(v) Denial of admission of dogs and cats.

Section 71.51(v) is finalized as proposed with the exception that HHS/CDC may additionally deny entry to an animal if an importer refuses to comply with CDC-required diagnostic tests to rule out communicable diseases. Diagnostic tests are crucial to determine the cause of an illness and ensure the animal does not pose a public health threat. This section also references alternative documentation to a bill of lading if the airline has been granted a waiver to the requirement that it create a bill of lading for dogs prior to the dogs' arrival in the United States.

This section outlines the categories of dogs and cats that are inadmissible to the United States. CDC will coordinate with CBP to enforce this action whenever CDC determines that an animal is inadmissible. This includes:

- Any dog arriving from a DMRVV low-risk or DMRVV-free country without written documentation that the dog has been only in DMRVV low-risk or DMRVV-free countries during the six months prior to the attempted entry, or

if the CDC Director reasonably suspects fraud.

- Any dog that is not accompanied by a receipt confirming that a *CDC Dog Import Form* has been submitted to CDC through a CDC-approved system.

- Any dog arriving by air for which a bill of lading, including an air waybill, has not been created by the airline prior to the dog's arrival in the United States (regardless of the value of the shipment) unless the airline transporting the dog has been granted a waiver pursuant to paragraph (dd) and the airline's handling and transport of the dog is consistent with the terms of that waiver.

- Any unvaccinated or foreign-vaccinated dog arriving at a U.S. land port that has been in a DMRVV high-risk country within the last six months prior to the attempted entry.

- Any unvaccinated or foreign-vaccinated dog arriving at a U.S. seaport that has been in a DMRVV high-risk country within the last six months prior to the attempted entry, except for a dog qualifying as a service animal that is otherwise admissible under section (d).

- Any foreign-vaccinated dog that has been in a DMRVV high-risk country within the last six months and does not arrive at a U.S. airport with a CDC quarantine station and an ACF.

- Any animal imported by an importer who refuses to comply with the requirement (if applicable) for the animal to undergo disease surveillance screening, veterinary examination, revaccination, diagnostic testing, provide proof of sufficient rabies serologic tests, or quarantine at an ACF upon arrival.

- Any dog that has been in a DMRVV high-risk country within the last six months and arrives without a valid *Certification of U.S.-Issued Rabies Vaccination* form or a valid *Certification of Foreign Rabies Vaccination and Microchip* form.

- Any foreign-vaccinated dog imported from a DMRVV high-risk country that arrives without a reservation at an ACF.

- Any dog from a DMRVV-restricted country that arrives without a valid *CDC Dog Import Permit*.

- Any dog imported from a DMRVV high-risk, DMRVV low-risk, or DMRVV-free country if the CDC Director reasonably suspects fraud in any documentation required for admission or if such documentation is otherwise untruthful, inaccurate, or incomplete.

- Any dog or cat, regardless of country of departure, that poses a public health risk, including dogs or cats that appear unhealthy upon arrival or demonstrate signs or symptoms of communicable disease.

- Any dog arriving in the United States that is under six months of age.

- Any dogs arriving in the United States without a microchip or without their microchip number documented on the importation paperwork required by CDC.

(w) Dogs and cats awaiting an admissibility determination or return to their country of departure.

HHS/CDC has split section 71.51(v) as written in the NPRM into two sections for ease of reading and greater clarity. Section 71.51(w) is a new paragraph, but the final requirements in section 71.51(w) were included in the NPRM under section 71.51(v). These requirements are finalized as proposed with the exception that based on public comment CDC is changing the timeframe for airlines to transport a healthy animal to an ACF or another CDC-approved facility (if an ACF is not available) from 6 hours to 12 hours. However, airlines must arrange to transport an obviously ill or injured animal immediately.

Animals arriving by air must be held in an ACF or another CDC-approved facility (if an ACF is not available) pending an admissibility determination or pending return to their country of departure if denied admission. As finalized, airlines must transport healthy animals to a ACF or other CDC-approved facility (if an ACF is not available) within 12 hours of arrival.

An airline must immediately report an obviously ill or injured animal (e.g., the animal is unable to stand, has difficulty breathing, is bleeding, has broken bones or disfigured limbs, or is experiencing seizures, vomiting, or discharge from the nose, mouth, or eyes) arriving into the United States to the CDC quarantine station of jurisdiction. As finalized, the airline must immediately arrange to transport an obviously ill or injured animal to an ACF or veterinary clinic as directed by HHS/CDC.

Animals arriving by sea that are denied admission must remain on the vessel while awaiting return to the country of departure.

(x) Disposal or disposition of dogs and cats denied admission or abandoned prior to admission that were transported to the United States.

Section 71.51(x) is finalized as proposed. HHS/CDC has developed an operational framework primarily applicable to airlines regarding how dogs denied admission will be handled by carriers and importers. HHS/CDC clarifies that airlines must provide housing for animals awaiting return to their country of departure at an ACF or a CDC-approved animal facility if an

⁵⁶ USDA Pet Travel. www.aphis.usda.gov/pet-travel/us-to-another-country-export.

⁵⁷ International Pet and Animal Transportation Association. www.ipata.org.

ACF is not available. Airlines are required to return animals denied admission to the country of departure within 72 hours of arrival, regardless of carrier or route. This is to ensure airlines do not leave animals in warehouses unattended for prolonged periods of time. Airlines are able to request extensions for an animal's return in the event the animal is not medically fit for travel. This operational framework provides that importers are responsible for all associated costs relating to the housing, care, and treatment of a dog or cat denied admission pending return to its country of departure. However, if an importer fails to pay any costs or fails to comply with any requirements, the animal will be considered abandoned, and the relevant carrier would be required to assume responsibility.

Under this framework, in instances where a dog or cat is fatally ill or injured, the importer or airline may choose a humane euthanasia option in accordance with the standards of the American Veterinary Medical Association⁵⁸ performed by a licensed veterinarian. The importer or airline must notify CDC and CBP in writing of this decision. *This decision does not relieve the importer or airline of the obligation to obtain and report results of necropsy or diagnostic testing required by CDC.*

In the case of dogs and cats denied admission to the United States upon arrival at a U.S. seaport, the vessel's master or operator would be required to reembark the animal immediately and return it to its country of departure on the next voyage. In the case of dogs and cats denied admission to the United States upon arrival at a U.S. land port, the importer or carrier would be required to immediately return it to its country of departure.

HHS/CDC does not expect the above operational framework relating to housing, care, and treatment of a dog or cat denied admission to be applied on a routine basis to carriers or importers arriving with dogs or cats at U.S. land or seaports because the circumstances leading to a delay in returning a dog or cat to its country of departure are not typically present at these U.S. ports. However, HHS/CDC acknowledges that there may be rare and unforeseen circumstances where it may be necessary to apply such procedures. Accordingly, HHS/CDC has added language authorizing it to apply these provisions in circumstances where a dog or cat is denied entry at a U.S. land

or seaport and cannot be immediately returned to its country of departure (e.g., because it is unfit to travel). Section 71.51(x) is finalized as proposed.

(y) Appeals of CDC denials to admit a dog or a cat upon arrival into the United States.

Section 71.51(y) is finalized as proposed with the exception that it explicitly references the ability of the Secretary to review a CDC decision to deny admission to dogs and cats if the Secretary so chooses. The Secretary has authority to act as final arbiter and review the CDC Director's decisions relating to animal importations if the Secretary so chooses. This section outlines the appeal process for importers of dogs and cats in the event their animals are denied admission to the United States upon arrival.

Because denial of admission to dogs and cats under these limited circumstances is likely to occur at a port, HHS/CDC requires that any appeal be submitted to CDC within one business day so as not to unnecessarily prolong the appeal process and allow for expedited decision-making regarding whether an animal should be returned to its country of departure. Instructions on how to submit an appeal are included in the regulatory text. Pending a determination regarding the appeal the animal will remain the legal responsibility of the carrier. The Director will issue a written response to the appeal, which shall constitute final agency action, unless the Secretary, within one business day, decides to review the Director's decision.

(z) Record of death of dogs and cats while *en route* to the United States and disposition of dead animals.

Section 71.51(z) is finalized as proposed. The requirement that carriers maintain a record of sickness or death for any animals that die during transit is longstanding. Through this final rule, HHS/CDC will now require necropsy and diagnostic testing for any dog or cat that dies *en route* to the United States or at a U.S. port prior to admission to determine the cause of death. Consistent with current requirements, carriers would be required to report deaths to the CDC quarantine station of jurisdiction. HHS/CDC is including these amendments to ensure it can detect, provide referrals to appropriate agencies, and respond to potential communicable disease importation risks in a timely manner. Importers are responsible for the costs unless they abandon the animal, in which case the airline or master or operator of a vessel will assume responsibility for the costs.

(aa) Abandoned shipments of dogs and cats.

Section 71.51(aa) is finalized as proposed. Through this final rule, HHS/CDC is providing an operational framework primarily applicable to airlines for when a dog or cat would be considered abandoned prior to admission and thus require the carrier to assume responsibility for the shipment.

The provisions of Section 71.51(aa) may also be applied to other carriers transporting such dogs and cats in the rare circumstances where the dog or cat is abandoned by the importer at a U.S. land port or seaport and other options are not available.

(bb) Sanitation of cages and containers of dogs and cats.

Section 71.51(bb) is finalized as proposed. This section requires that cages or other containers of animals arriving in the United States be cleaned and disinfected or the animals removed and placed in clean containers if the cages or other containers constitute a communicable disease risk.

(cc) Requirements for in-transit shipments of dogs and cats.

Section 71.51(cc) is finalized as proposed. Under today's final rule, CDC's definition of an "in-transit shipment" now aligns with that of the USDA. This provision further clarifies that dogs and cats can only be considered in-transit if they are transported as cargo and not as hand-carried baggage or checked baggage. In-transit shipments may only be transported as cargo. HHS/CDC is also clarifying that a microchip is not required for dogs that are transported by aircraft and are being transited through the United States if retained in the custody of the airline.

(dd) Bill of lading and other airline requirements for dogs.

Section 71.51(dd) has been finalized as proposed with the exception that airlines that lack the technical ability to generate a bill of lading (including an air waybill (AWB)) to transport dogs may request a waiver from CDC and provide a SOP outlining how they will ensure care for any ill, injured, or abandoned animals or animals denied entry in the absence of an AWB. This final rule requires that airlines create a bill of lading accounting for all live dog imports through a U.S. airport, regardless of whether the dogs are transported as cargo, checked baggage, or hand-carried baggage, or otherwise accompany a traveler arriving in the United States on their person.

As a condition of granting a waiver to the bill of lading requirement, HHS/CDC may require the airline to work with a broker to file the appropriate paperwork and identify suitable housing

⁵⁸ <https://www.avma.org/resources-tools/avma-policies/avma-guidelines-euthanasia-animals>.

accommodations (such as an ACF or a local kennel approved by CDC and CBP) for any dogs detained pending admissibility. The SOP must include the location of an ACF or other suitable alternative approved by CBP and CDC prior to transport of animals. HHS/CDC may require the airline to submit documentation outlining a timetable and steps that will be taken to develop the technical capacity to generate an AWB (or another suitable alternative to an AWB) to transport dogs. CDC has provided additional details for airlines seeking exemption for the AWB requirement in technical instructions available on CDC's website at www.cdc.gov/dogtravel.

Section 71.51(dd) also requires that airlines confirm that all importers have a receipt of a completed *CDC Dog Import Form* prior to boarding. For U.S.-vaccinated dogs that have been in a DMRVV high-risk country within the last six months, CDC requires that airlines confirm that importers have a valid *Certification of U.S.-issued Rabies Vaccination* form. For foreign-vaccinated dogs that have been in a DMRVV high-risk country within the last six months, airlines must confirm that importers have a reservation at an ACF. For dogs from DMRVV-free or DMRVV low-risk countries, HHS/CDC will require that airlines confirm that the importer has documentation as outlined in paragraph (u) showing that the dog is over six months of age, has a microchip, and has been only in DMRVV-free or DMRVV low-risk countries within the last six months.

Finally, section 71.51(dd) requires that a representative of an airline transporting live dogs into the United States be on-site at the U.S. airport and available to coordinate the entry/clearance of the dogs with Federal government officials until all live dogs transported on an arriving flight into the United States have either been cleared for admission, arrangements have been made to transport the dogs to an ACF or other facility (e.g., veterinary clinic or kennel) approved by CDC pending admissibility determination, or arrangements have been made for return of dogs not meeting CDC entry requirements.

(ee) Order prohibiting carriers from transporting dogs and cats.

Section 71.51(ee) is finalized as proposed. This final rule outlines procedures for the CDC Director to issue an order revoking a carrier's permission to transport live dogs and cats into the United States if a carrier has endangered the public health of the United States by acting or failing to act to prevent the introduction of DMRVV, as would occur by failing to comply with the provisions of this section.

(ff) Prohibition on imports of dogs from DMRVV-restricted countries.

Section 71.51(ff) is finalized as proposed. This section of the final rule explicitly states that HHS/CDC may prohibit or otherwise restrict the import of dogs into the United States from certain countries that have repeatedly exported rabid dogs to any country or that lack adequate controls to monitor and prevent the export of dogs to the United States with falsified or fraudulent rabies vaccine credentials, invalid rabies vaccination forms, or other fraudulent, inaccurate, or invalid exportation/importation documents. Such a prohibition or other restriction will remain in place until there is sufficient evidence for CDC to be assured that adequate controls have been established to prevent the reintroduction of DMRVV into the United States, including preventing the use of falsified or fraudulent vaccine credentials. To implement this provision HHS/CDC will maintain a list of DMRVV-restricted countries. The list will be maintained on CDC's website at www.cdc.gov/importation/bringing-an-animal-into-the-united-states/high-risk.html and updated annually. Amendments to the list of DMRVV-restricted countries will be published as a notice in the **Federal Register**. HHS/CDC may allow the importation of certain categories of dogs from DMRVV-restricted countries, such as service animals or government-owned animals.

(gg) Request for issuance of additional fines or penalties.

Section 71.51(gg) is finalized as proposed with the exception that CDC is adding language informing the public that it may also refer potential violations of Federal law to the U.S. Department of

Justice for investigation, and based on the results of such investigation, prosecution. Specifically, CDC may refer a matter to the U.S. Department of Justice if the Director has reason to believe that an individual or organization has violated Federal law, including by forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with a U.S. government employee while engaged in or on account of the performance of their official duties in violation of 18 U.S.C. 111, by obstructing an agency proceeding in violation of 18 U.S.C. 1505, or by otherwise engaging in conduct contrary to law. This provision also serves to inform the public of actions that CDC may take to request DHS/CBP assistance in enforcing HHS/CDC's dog and cat importation requirements. HHS/CDC stresses that it does not administer Title 19, and decisions regarding whether to pursue enforcement actions under Title 19 would be entirely at the discretion of DHS/CBP and subject to its policies and procedures.

IV. Alternatives Considered

In developing this final rule, HHS/CDC considered more and less costly policy alternatives. The provisions included in the final rule were determined to minimize the cost and burden of the regulatory provisions while protecting and reducing risks to the public's health. To reduce the costs associated with the provisions of the final rule, many requirements only apply to dogs imported from DMRVV high-risk countries, and some apply only to dogs vaccinated outside the United States imported from DMRVV high-risk countries.

Table I summarizes alternatives to selected requirements expected to be associated with most of the monetized costs and benefits for this rule relative to the current status quo. A quantitative analysis of the cost and benefits is available in an Appendix found in the Supplemental Materials tab of the docket and summarized in Section VII(A).

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Table 1. Summary table of important changes to regulatory requirements based on the provisions of this final rule and alternatives considered

final rule requirement	Current requirements ⁵⁹ (baseline)	Option 1- Higher-cost alternative	Option 2- Lower-cost alternative	Justification
§ 71.51(f) Dogs must be at least six months of age to be imported into the United States.	DMRVV high-risk countries: Dogs must be at least four months of age (based on the earliest age at which a dog could be considered fully vaccinated against rabies) No requirement for DMRVV-free or DMRVV low-risk countries since rabies vaccination documentation is not currently required for these dogs	Dogs must be at least seven months of age regardless of country of origin or type of conveyance	Dogs must be at least four months of age to arrive via aircraft regardless of country of origin, which is the youngest age a dog may be considered fully vaccinated against rabies. No age limit for dogs imported at land ports	For dogs requiring titers, the six-month minimum age requirement ensures that the time between titer collection and travel is sufficient for monitoring the dog to ensure it does not develop signs of rabies. The increased age requirement will result in fewer public health investigations of dogs found to be ill or to have died ⁶⁰ during air travel and improve health and safety for dogs being transported. The 6-month versus 4-month age requirement will also make it easier to estimate the age of dogs based on

⁵⁹ The current requirements do not take account of the temporary suspension of dogs from DMRVV high-risk countries, because it is a temporary measure.

⁶⁰ Roccaro, M., & Peli, A. (2020). Age determination in dog puppies by teeth examination: legal, health and welfare implications, review of the literature and practical considerations. *Veterinaria Italiana*, 56(3), 149–162. <https://doi.org/10.12834/VetIt.1876.9968.2>.

Table 1. Summary table of important changes to regulatory requirements based on the provisions of this final rule and alternatives considered

final rule requirement	Current requirements⁵⁹ (baseline)	Option 1- Higher-cost alternative	Option 2- Lower-cost alternative	Justification
				examination of their teeth, enabling CDC to better identify falsified and fraudulent documentation. ⁶¹ This age requirement will also improve alignment with USDA import requirements (7 CFR 2148) for dogs imported for resale.
§ 71.51(g) All dogs must have a microchip regardless of country of origin	No dog-identification requirement other than a description on the rabies vaccination documentation	All dogs must be implanted with microchips <u>and</u> have tattoos for identification purposes	Allow use of tattoos or other dog-identifying technology instead of requiring microchips	This requirement is needed to confirm that arriving dogs match their paperwork because CDC has documented a dramatic increase in the number of dogs arriving with falsified rabies vaccination documentation. The microchip requirement will allow for matching microchip information (obtained by

Table 1. Summary table of important changes to regulatory requirements based on the provisions of this final rule and alternatives considered

final rule requirement	Current requirements⁵⁹ (baseline)	Option 1- Higher-cost alternative	Option 2- Lower-cost alternative	Justification
				scanning the dog) with the microchip number documented on the dog's proof of rabies vaccination.
§§ 71.51(h) and (dd) Require importers to submit advance data included in the <i>CDC Dog Import Form</i> for each dog via a CDC-approved system and require airlines to create a bill of lading for all live dog imports	No requirement for dog importers to submit data with CDC and no requirement for airlines to create a bill of lading for all live dog imports	Require importers to use the more costly CBP formal entry requirements	Only require dogs from DMRVV high-risk countries to submit data via a CDC-approved system and require airlines to create a bill of lading for all live dog imports	This requirement will help Federal agencies detect dogs that move from DMRVV high-risk to DMRVV low-risk countries to avoid U.S. requirements. This requirement will also support Federal agencies' targeting of interventions for dogs arriving from countries presenting significant risks to human or animal health.
§ 71.51(t) Require standardized rabies vaccination information using a CDC form: <i>Certification of</i>	Rabies vaccine certificates are required for dogs imported from DMRVV high-risk countries and do not need to be entered into a standardized	Require <i>Certification of U.S.-issued Rabies Vaccination</i> form be endorsed by a USDA Official Veterinarian for all dogs leaving	Require veterinarians to fill out the <i>Certification of U.S.-issued Rabies Vaccination</i> Form, but do not require certification by	At present, the information on rabies vaccination documents is not standardized; different formats are used in different countries and

Table 1. Summary table of important changes to regulatory requirements based on the provisions of this final rule and alternatives considered

final rule requirement	Current requirements⁵⁹ (baseline)	Option 1- Higher-cost alternative	Option 2- Lower-cost alternative	Justification
<i>U.S.-issued Rabies Vaccination</i> form that is endorsed by a USDA Official Veterinarian for dogs originating in the United States and wanting to re-enter the U.S. after traveling to a DMRVV high-risk country	form or endorsed by a USDA Official Veterinarian	the U.S. with planned re-entry into the U.S., regardless of destination	USDA Official Veterinarian	even within the U.S. Lack of a standardized format may lead to dogs from DMRVV high-risk countries arriving at a U.S. port with rabies vaccination documentation that does not align with current CDC requirements and subsequent entry denials. The requirement for certification by a USDA Official Veterinarian is an added layer of security against fraudulent documentation. This provision will also align the United States with import/export requirements commonly required in other countries.
§ 71.51(k) Requirement for veterinary examination and revaccination	No follow-up examination or revaccination required	Require veterinary examination and revaccination for all dogs imported from	In lieu of requiring follow-up at a CDC-registered Animal Care Facility, allow	This process will better align U.S. requirements with existing requirements of other DMRVV-

Table 1. Summary table of important changes to regulatory requirements based on the provisions of this final rule and alternatives considered

final rule requirement	Current requirements⁵⁹ (baseline)	Option 1- Higher-cost alternative	Option 2- Lower-cost alternative	Justification
against rabies at a CDC-registered Animal Care Facility for foreign-vaccinated dogs from DMRVV high-risk countries; no requirement for dogs imported from DMRVV-free or DMRVV low-risk countries or U.S.-vaccinated dogs from DMRVV high-risk countries. The laboratory testing requirements in § 71.51(k)(7)(v) are addressed separately below.		DMRVV high-risk countries, including dogs with valid U.S.-issued rabies vaccination certificates	dogs imported from DMRVV high-risk countries that were vaccinated outside the United States to visit any licensed U.S. veterinarian for examination and revaccination	free countries. This requirement for veterinary examination and revaccination will reduce the risk of dogs potentially infecting people, other domestic animals, or wildlife with DMRVV and potentially other communicable diseases or diseases which impact livestock in the United States.
§ 71.51(k)(7) Foreign-vaccinated dogs from DMRVV high-risk countries must have serologic test results from a CDC-approved laboratory with a waiting period, or such time period as	No laboratory testing requirement for dog imports from any country	Serologic test from a CDC-approved laboratory with a longer, e.g., 90-day waiting period before entry for dogs vaccinated outside the United States and arriving from DMRVV high-risk	Allow serologic test results for dogs imported from DMRVV high-risk countries with foreign-issued rabies vaccinations from any laboratory (i.e., not limited to	This laboratory testing provision will better align U.S. requirements with existing requirements of other DMRVV-free countries that require laboratory confirmation because rabies vaccination

Table 1. Summary table of important changes to regulatory requirements based on the provisions of this final rule and alternatives considered

final rule requirement	Current requirements⁵⁹ (baseline)	Option 1- Higher-cost alternative	Option 2- Lower-cost alternative	Justification
specified in CDC technical instructions, before entry, or be quarantined for 28 days after revaccination with a USDA-licensed rabies vaccine		countries or all dogs imported from DMRVV high-risk countries require serologic test results	CDC-approved laboratories)	documentation alone is considered insufficient as proof of rabies immunity. However, this requirement is still less restrictive than many DMRVV-free countries because there is no serologic test requirement for U.S.-vaccinated dogs.
§§ 71.51(b) and (c) U.S.-vaccinated dogs imported from DMRVV high-risk countries may enter through any U.S. port. Foreign-vaccinated dogs from DMRVV high-risk countries must arrive at a U.S. port with a CDC quarantine station (also known as a port health station) and CDC-registered Animal Care Facility. Such	No U.S. port requirement	For all dogs from DMRVV high-risk countries, limit entry to U.S. port with CDC-registered Animal Care Facilities. Six U.S. ports currently have facilities that meet this standard.	Allow foreign-vaccinated dogs imported from DMRVV high-risk countries to enter at any U.S. port with a CDC quarantine station (also known as a CDC port health station) and allow U.S.-vaccinated dogs from any country to enter at any U.S. port	This requirement is intended to ensure dogs denied entry or placed on hold have safe housing locations available and CDC oversight. This will reduce the risk that dogs pending or denied entry will be placed in cargo warehouses or other unsafe locations while awaiting CDC determination or return to their countries of origin. This requirement will

Table 1. Summary table of important changes to regulatory requirements based on the provisions of this final rule and alternatives considered				
final rule requirement	Current requirements ⁵⁹ (baseline)	Option 1- Higher-cost alternative	Option 2- Lower-cost alternative	Justification
facilities must have an active custodial bond and a FIRMS code issued by CBP, and a USDA intermediate handlers registration. Six U.S. ports currently have facilities that meet this standard.				also ensure appropriate veterinary follow up for foreign-vaccinated dogs from DMRVV high-risk countries.

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HHS/CDC determined that the set of lower-cost alternatives would likely not have a significant impact on reducing the risk of dogs being imported with DMRVV compared to the regulatory baseline. The requirements in the final rule would more effectively reduce this risk. If the age requirements were reduced, importers may be more likely to attempt to circumvent CDC rules to move dogs from DMRVV high-risk to DMRVV-free or low-risk countries prior to importation into the United States. It is difficult to age dogs under six months,⁶² and CDC has documented cases of fraud involving the movement of dogs under six months of age from DMRVV high-risk countries to DMRVV-free and DMRVV low-risk countries to

avoid rabies vaccination requirements. By requiring all dogs to be at least six months of age, CDC can better confirm that the dog presented matches the documentation presented, particularly the age listed for the dog, and that it is old enough to be adequately vaccinated for rabies. This age requirement also more closely aligns with the WOA standard for dogs from high-risk countries that states dogs should be imported 90 days after a serologic sample has been drawn.⁶³

In addition, transporting dogs under six months of age under conditions with unstable and fluctuating air temperatures, such as those present in the cargo area of a plane, may subject these young animals to adverse events (illness or death) because young animals cannot regulate their body temperature as efficiently as adult animals.⁶⁴ International travel often results in prolonged time between feeding and watering of animals leading to potential adverse events (illness and death) in young animals due to physiologic

stressors associated with or exacerbated by low blood glucose levels, low oxygen environments (such as the cargo area of a plane), dehydration, and the stress of travel.⁶⁵ This could result in more ill and dead dogs arriving on flights (reducing the benefits estimated for the final rule). CDC would lack data on the total number of dogs imported into the United States and would have less data to conduct public health investigations in the event that a sick dog is imported from DMRVV-free or low-risk country. In the absence of official certification of the *Certification of U.S.-issued Rabies Vaccination* form, CDC believes it would be much easier for importers of dogs from DMRVV high-risk countries to present fraudulent documentation of U.S. rabies vaccination. It would be more difficult for CDC to verify the identity of dogs arriving with tattoos instead of microchips (increasing the risk of fraudulently imported dogs). Microchips are also already widely used throughout the world and are a WOA

⁶¹ Roccaro, M., & Peli, A. (2020). Age determination in dog puppies by teeth examination: legal, health and welfare implications, review of the literature and practical considerations. *Veterinaria Italiana*, 56(3), 149–162. <https://doi.org/10.12834/VetIt.1876.9968.2>.

⁶² Roccaro, M., & Peli, A. (2020). Age determination in dog puppies by teeth examination: legal, health and welfare implications, review of the literature and practical considerations. *Veterinaria Italiana*, 56(3), 149–162. <https://doi.org/10.12834/VetIt.1876.9968.2>.

⁶³ WOA Terrestrial Manual 2023, chapters 3.1.18 and 8.15.7.

⁶⁴ Hardy J. Physiology of temperature regulation. *Physiologic reviews* 1961; 41; 521–606.

⁶⁵ Jahn K, Ley J, DePorter T, Seksel K. How Well Do Dogs Cope with Air Travel? An Owner-Reported Survey Study. *Animals* (Basel). 2023 Oct 4;13(19):3093. Doi: 10.3390/ani13193093. PMID: 37835699; PMCID: PMC10571552.

standard for the international movement of animals.⁶⁶

Follow-up examination and revaccination of dogs by any U.S.-licensed veterinarian would be less costly in comparison to services provided by CDC-registered ACF; however, this would increase the public health risk associated with foreign-vaccinated dogs from DMRVV high-risk countries. CDC would have limited capacity to follow up with importers to ensure that the dogs had been appropriately examined and revaccinated in a timely manner. Prior to the examination, the dog could come into contact with additional people and potentially other pets or wildlife. Finally, staff at CDC-registered ACF will operate according to CDC regulations and guidance to minimize the risk of disease transmission to humans and other animals.

CDC would have very limited oversight of the laboratories conducting serological tests. Importers would also find it easier to obtain fraudulent serological tests from laboratories that are not approved by CDC or may get inaccurate test results from unapproved laboratories. If CDC allowed foreign-vaccinated dogs to arrive at any U.S. port with a CDC quarantine station (also known as a CDC port health station), the government (*i.e.*, CBP and CDC) would not be able to ensure that the dogs had been cleared by a CDC-registered ACF prior to admitting the dogs into the United States. In summary, the lower-cost alternatives would result in significantly less costs for importers and airlines but would also significantly limit the ability of CDC to prevent the importation of inadequately vaccinated dogs from DMRVV high-risk countries. CDC has observed that many importers have tried to circumvent CDC requirements for dog importation and the provisions in this final rule are chosen to mitigate these risks. The lower-cost alternatives would lead to a significantly increased risk that dogs infected with DMRVV would be imported.

CDC did not select any of the higher-cost alternatives described above because most of these alternatives do not address the highest-risk category of imported dogs, *i.e.*, foreign-vaccinated dogs from DMRVV high-risk countries. As a result, the public health benefits associated with these higher-cost alternatives would not decrease the risk to the public health sufficiently to balance the costs of these alternatives. CDC has not observed any DMRVV

infections among U.S.-vaccinated dogs imported from DMRVV high-risk countries or among dogs imported from DMRVV-free or low-risk countries. In addition, CDC can obtain the data it needs from the lower-cost CDC import data submission system and does not require a tattoo in addition to a microchip to confirm the identity of imported dogs. Because of the limited public health benefit relative to the additional costs, HHS/CDC believes the requirements in the final rule address the risks associated with imported dogs infected with DMRVV or other exotic pathogens more cost effectively than the alternatives.

VI. Summary of Public Comments and Responses

On July 10, 2023, HHS/CDC published a NPRM proposing to amend the current foreign quarantine regulations at 42 CFR 71.50 and 71.51 to provide additional clarity and safeguards to address the public health risk of DMRVV associated with the importation of dogs into the United States (88 FR 43978). In the NPRM, HHS/CDC specifically requested public comment on the following:

- A limited exception to accommodate personal pet owners who travel by land between the U.S. and Canada or Mexico.
- The proposed requirement that airlines transport and assume responsibility (if the importer abandons the animal) for necropsy of dogs and cats that die *en route* to the United States or that die pending an admissibility determination. Necropsy would include gross and histopathologic examination and any subsequent infectious disease testing based on the findings.
- The proposed requirement for the rabies vaccination form for foreign-vaccinated dogs to be certified by a foreign government official in the exporting country, as an added measure to prevent falsification.
- The proposed public health standards and evidence used to maintain a list of DMRVV-restricted countries and the length of time or conditions to be met before a country is added to or eligible for removal from the list. Additionally, how the list will be maintained and whether publication on CDC's website and through **Federal Register** notices would be sufficient to adequately inform importers.
- The potential costs to carriers of dogs arriving by land or sea (as opposed to airlines) to comply with the requirements proposed in the NPRM.
- Estimates of the number of dogs any small individual entity currently

imports annually or the average number of imported dogs across entities.

- Estimated thresholds for the number of imported dogs from DMRVV high-risk countries per firm at which NPRM costs (if finalized as proposed) would exceed two percent of revenue during the first year of implementation of the proposed requirements.

During the public comment period, HHS/CDC received 2,106 comments from individuals, groups, organizations, and the airline industry. This included one comment from a group of organizations involved in animal rescue that included 118,312 signatures.

The following is a discussion of public comments received that are applicable and within the scope of the regulation.

A. Comments on Necessity of the Rule

Numerous commenters made general remarks either supporting or opposing the importation requirements. In the following paragraphs, we discuss and respond to such comments.

Comment: HHS/CDC received comments from several agencies and organizations that supported many of the provisions proposed in the NPRM and adopted in this final rule. These comments generally recognized the significant public health threat posed by the importation of rabid dogs. Most of the supportive comments were submitted as part of a write-in campaign, which stated that the proposals in the NPRM would “add much needed safeguards to protect animals and the public from the introduction of rabies via imported dogs.” These entities were particularly supportive of the six-month age minimum for dog importation, microchip requirement, greater veterinary oversight, and verification of animals’ rabies documentation. Other commenters supported the proposals in the NPRM because they believe the requirements would help prevent imported dogs from introducing diseases into the U.S. dog population. Organizations involved in veterinary medicine supported the updated dog importation requirements outlined in the NPRM. Organizations and individuals involved in purebred dog activities (*e.g.*, breeding) generally supported many of the provisions in the NPRM except for the six-month age requirement. Associations and government entities involved in protecting public health and animal health generally supported the proposal.

Response: HHS/CDC agrees with the comments that suggest this action and specific requirements are necessary for continued control of DMRVV from

⁶⁶ WOAHS Terrestrial Manual 2023, chapters 3.1.18 and 8.15.7.

imported dogs. This includes specific provisions including the six-month age minimum for dog importation, microchip requirement, greater veterinary oversight, and verification of animals' rabies documentation, which are discussed in further length below.

Comment: CDC received numerous comments that the rule was unnecessary because DMRVV was not a serious problem in the United States. Commenters noted that no person has died from rabies in the United States during the past 20 years, that CDC should instead focus on wildlife rabies which they considered a greater risk than DMRVV and is already present in the United States, and that the rule was overcompensating for rare events (citing the low number of imported rabid dogs and the uncommon occurrence of rabies in dogs in the United States).

Response: CDC disagrees with these comments and considers DMRVV a serious threat that requires effective controls to prevent its re-introduction into the United States. Rabies is one of the deadliest zoonotic diseases and accounts for an estimated 59,000 human deaths globally each year.⁶⁷ Over 98 percent of those deaths are due to DMRVV.⁶⁸ The rabies virus can infect any mammal and, once clinical signs appear, the disease is almost always fatal.⁶⁹ The close relationship between dogs and people means there is a direct public health risk to individuals that interact with inadequately vaccinated dogs imported from countries at high risk of DMRVV. Of note, DMRVV has been highly successful at adapting to new host species, particularly wildlife, that can further transmit the virus.⁷⁰

The goal of the revised regulation is to update and strengthen the U.S. dog importation system to maintain effective control of DMRVV. From 2015–2022, the incidence rate of DMRVV-infected dogs imported into the United States from DMRVV high-risk countries was approximately 16 times higher (range, 13.24–19.36) than the annual incidence

of domestically acquired endemic rabies variants among the U.S. domestic dog population.⁷¹ This is a disease with near 100% mortality in infected people. There is no treatment available for persons ill with rabies. As rabies kills approximately 59,000 people, mainly children, per year globally from dog bites, HHS/CDC is committed to preventing the reintroduction of DMRVV into the United States.

DMRVV is still a serious public health threat in the more than 100 countries where it remains enzootic.⁷² Although the U.S. Government does not track the precise total number of dogs imported each year, CDC previously estimated that approximately 1 million dogs are imported into the United States annually, of which 100,000 dogs are from DMRVV high-risk countries.⁷³ This estimate was based on information provided by airlines, CBP, and a public health study conducted at a U.S.-Mexico land border crossing.⁷⁴ The re-establishment of DMRVV in the United States would near certainly result in human death, cost millions of dollars, and require years of dedicated State and Federal efforts to eliminate the virus again.

The consequences of failure to control DMRVV importations remain extraordinary and significant. In 1988, when DMRVV found in Mexico began spreading in U.S. coyote populations, it spread to wildlife and dogs in Texas where DMRVV had been previously eliminated. Two people died and the subsequent re-elimination of DMRVV cost \$56 million (in 2023 USD) and required over 10 years of effort.⁷⁵ ⁷⁶ The

experience of other countries also speaks to the importance of maintaining continued effective control of DMRVV importation. For instance, Malaysia recently experienced the reintroduction of dog rabies with significant consequences for the country, including 59 human deaths since the outbreak began.⁷⁷

Regarding commenters' assertion that HHS/CDC should focus on wildlife rabies as posing a greater threat than DMRVV, there is an important distinction between rabies variants circulating in wildlife species (including foxes, raccoons, skunks, and bats) in the United States and DMRVV, which has not been endemic in the United States since 2007. Through mutation DMRVV is highly adaptable to new hosts. One DMRVV-infected dog infecting one animal in the wild is not of major concern. However, if the DMRVV mutates within that wild animal, the wild animal can create an entirely new rabies variant that can spread across the U.S. Indeed, five out of eight wildlife variants within the U.S. originated through DMRVV infection. DMRVV thus risks exponentially increasing the risk to human and animal life.⁷⁸

Comment: HHS/CDC received more than 200 comments that the proposed rule was unnecessary given the rarity of DMRVV importations and that no one in the United States has died from DMRVV from an imported dog in more than 20 years. Fourteen commenters claimed that "this rule is overcompensating for rare events," citing the low number of imported rabid dogs or the uncommon occurrence of rabies in dogs in the United States. Another comment claimed that a response to a Freedom of Information Act request revealed that there has not actually been an increase in dogs with rabies entering the country, so these proposed changes are discriminatory and arbitrary. The commenter stated that over a million dogs are imported into the United States every year and only 3 imported dogs have been found to be infected with rabies since 2015.

Response: While DMRVV importations remain uncommon and thankfully no one in the United States has died from rabies following exposure to an imported dog in the last 20 years, HHS/CDC disagrees that the recent success in preventing deaths from imported rabies means that the United

⁶⁷ World Health Organization (2018). WHO Expert Consultation on Rabies (WHO Technical Report Series 1012). Retrieved from <https://www.who.int/publications/i/item/WHO-TRS-1012>.

⁶⁸ Hampson K, Coudeville L, Lembo T, et al.; Global Alliance for Rabies Control Partners for Rabies Prevention. Estimating the global burden of endemic canine rabies. *PLoS Negl Trop Dis* 2015;9:e0003709. <https://doi.org/10.1371/journal.pntd.0003709>.

⁶⁹ Fooks, A.R., Banyard, A.C., Horton, D.L., Johnson, N., McElhinney, L.M., and Jackson, A.C. (2014) Current status of rabies and prospects for elimination. *Lancet*, 384(9951), 1389–1399. Doi: 10.1016/S0140-6736(13)62707-5.

⁷⁰ Velasco-Villa A, Mauldin MR, Shi M, et al. The history of rabies in the Western Hemisphere. *Antiviral Res.* 2017;146:221–232. Doi:10.1016/j.antiviral.2017.03.013.

⁷¹ Pieracci EG, Wallace R, Maskery B, Brouillette, Brown C, Joo H. Dogs on the move: Estimating the risk of rabies in imported dogs in the United States, 2015–2022. *Zoonoses and Public Health* 2024; 00:1–9 DOI: 10.1111/zph.13122.

⁷² Hampson K, Coudeville L, Lembo T, et al.; Global Alliance for Rabies Control Partners for Rabies Prevention. Estimating the global burden of endemic canine rabies. *PLoS Negl Trop Dis* 2015;9:e0003709. <https://doi.org/10.1371/journal.pntd.0003709>.

⁷³ HHS/CDC. Guidance Regarding Agency Interpretation of "Rabies-Free" as It Relates to the Importation of Dogs Into the United States. 84 FR 724,724–730 (Jan. 31, 2019).

⁷⁴ McQuiston, J.H., et al., Importation of dogs into the United States: risks from rabies and other zoonotic diseases. *Zoonoses Public Health*, 2008. 55(8–10): p. 421–6.

⁷⁵ Thomas, S., Wilson, P., Moore, G., Oertli, E., Hicks, B., Rohde, R., Johnston, D. (2005). Evaluation of oral rabies vaccination programs for control of rabies epizootics in coyotes and gray foxes: 1995–2003. *Journal of the American Veterinary Medicine Association*, 227(5), 785–92. Doi: 10.2460/javma.2005.227.785.

⁷⁶ Sterner, R., Meltzer, M., Shwiff, S., Slate, D. (2009). Tactics and Economics of Wildlife Oral Rabies Vaccination, Canada and the United States. *Emerging Infectious Diseases*, 15(8), 1176–1184. Doi: 10.3201/eid1508.081061.

⁷⁷ Sarawak records 9 rabies deaths so far this year. The Straits Times. May 16, 2023.

⁷⁸ Velasco-Villa A, Mauldin MR, Shi M, et al. The history of rabies in the Western Hemisphere. *Antiviral Res.* 2017;146:221–232. Doi:10.1016/j.antiviral.2017.03.013.

States should not update its regulations to ensure the continued effectiveness of its dog importation requirements.

Specifically, updates to dog importation requirements are necessary to (1) adapt to increased fraud in importations of dogs; (2) avoid the severe disruptions and health risks posed by the re-introduction of DMRVV into the United States; and (3) stay ahead of growing gaps in rabies control efforts, both abroad and in the United States.

Addressing Increasing Fraud

HHS/CDC continues to document a marked increase in fraud committed by importers of dogs from DMRVV high risk countries.⁷⁹ 80 81 82 83 84 85 Internationally, there has been significant growth within the companion animal breeding industry with increasing international trade.⁸⁶ Multiple international and U.S. investigations have identified importations of puppies that were too young to meet rabies vaccination requirements.⁸⁷ 88 89 90 There is growing

evidence that criminal networks are becoming involved in the lucrative dog trade, and the illegal puppy trade was reported to have increased during the pandemic.⁹¹ 92 93

Additionally, reports of international movement of animals with missing microchips, no proof of rabies vaccination, or underage dogs with fraudulent vaccination records have been documented in the United States and abroad.⁹⁴ 95 A rabies serological (antibody) titer is an estimation of an immune response against rabies virus (either through exposure or vaccination). While there is no “protective” titer against rabies virus, survival against rabies virus infection is often more likely to occur the higher the animal’s titer at the time of infection.⁹⁶ The World Organisation for Animal Health considers a level of 0.5 IU/mL a “passing” antibody titer level. A 2015 study found that 53% of imported rescue dogs arriving in Norway with rabies vaccinations administered at least 21 days before arrival had titers less than 0.5 IU/mL.⁹⁷ Nineteen percent of dogs in the study had titers less than 0.1 IU/mL, “raising concerns as to whether they had been vaccinated against rabies

at all.”⁹⁸ A study of over 20,000 dogs imported into Italy between 2006 and 2012 found 13% of imported dogs had titers less than 0.5 IU/mL, raising similar doubts about compliance with vaccination requirements.⁹⁹ A Canadian study conducted between October 2021 and November 2022 found that nearly half (32/67; 47.8%) of imported rescue dogs had titers less than 0.5 IU/mL and 34% (23/67) had no detectable rabies titer, despite all dogs having been imported within one month with a current rabies vaccination certificate.¹⁰⁰ Importers are increasingly resorting to falsifying the ages of dogs and submitting certificates for other animals while also submitting titer results from other animals or changing the titer results of the dogs being imported. This increase in instances of fraudulent rabies vaccination documents combined with increases in international dog movement presents an ongoing and significant risk of importation of DMRVV.

For instance, in 2015 a rabid dog was part of a group of eight dogs and 27 cats imported from Egypt by an animal rescue group. The dog had an unhealed leg fracture and began showing signs of rabies four days after arrival. Following the DMRVV diagnosis, animal rescue workers in Egypt admitted that the dog’s rabies vaccination documentation had been intentionally falsified to evade CDC entry requirements.¹⁰¹ As a result of this single importation, public health officials recommended that 18 people receive rabies PEP, seven dogs underwent a six-month quarantine, and eight additional dogs housed in the same home as the rabid dog had to receive rabies booster vaccinations and undergo a 45-day monitoring period.¹⁰² In 2017, a flight parent imported four dogs from Egypt on behalf of an animal rescue organization. One of the dogs appeared agitated and bit the flight parent prior to the flight. A U.S.

⁷⁹ Centers for Disease Control and Prevention. Quarantine Activity Reporting System (version 4.9.8.8.2.A). Dog importation data, 2021–2024. Accessed: 26 March 2024.

⁸⁰ Centers for Disease Control and Prevention. Dog Import Permit Application System. Dog permit importation data, 2021–2024. Accessed: 26 March 2024.

⁸¹ Pieracci, E., Williams, C., Wallace, R., Kalapura, C., Brown, C. U.S. dog importations during the COVID–19 pandemic: Do we have an erupting problem? *PLoS ONE*, 16(9), e0254287. Doi: 10.1371/journal.pone.0254287.

⁸² Kaila M, Marjoniemi J, Nokireki T. Comparative study of rabies antibody titers of dogs vaccinated in Finland and imported street dogs vaccinated abroad. *Acta Vet Scand* 2019; 61:15.

⁸³ Maher J, Wyatt T. European illegal puppy trade and organized crime. *Trends in Organized Crime*. 2021; 24(4) 506–525.

⁸⁴ Zucca P, Rossman MC, Osorio JE, Karem K, De Benedictis P, Haifsl J, et al. The ‘bio-crime model’ of cross-border cooperation among veterinary public health, justice, law enforcements, and customs to tackle the illegal animal trade/bio-terrorism and to prevent the spread of zoonotic diseases among human population. *Frontiers in Veterinary Science*. 2020; 7: 1–13.

⁸⁵ Cocchi M, Danesi P, DeZan G, Leati M, Gagliazzo L, et al. A three-year biocrime sanitary surveillance on illegally imported companion animals. *Pathogens*. 2021; 10(80):1–12.

⁸⁶ Maher J, Wyatt T. European illegal puppy trade and organized crime. *Trends in Organized Crime*. 2021; 24(4) 506–525.

⁸⁷ Pieracci, E., Williams, C., Wallace, R., Kalapura, C., Brown, C. U.S. dog importations during the COVID–19 pandemic: Do we have an erupting problem? *PLoS ONE*, 16(9), e0254287. Doi: 10.1371/journal.pone.0254287.

⁸⁸ Zucca P, Rossman MC, Osorio JE, Karem K, De Benedictis P, Haifsl J, et al. The ‘bio-crime model’ of cross-border cooperation among veterinary public health, justice, law enforcements, and customs to tackle the illegal animal trade/bio-terrorism and to prevent the spread of zoonotic diseases among human population. *Frontiers in Veterinary Science*. 2020; 7: 1–13.

⁸⁹ Cocchi M, Danesi P, DeZan G, Leati M, Gagliazzo L, et al. A three-year biocrime sanitary surveillance on illegally imported companion animals. *Pathogens*. 2021; 10(80):1–12.

⁹⁰ Houle MK. Perspective from the field: Illegal puppy imports uncovered at JFK airport. 2017. Available at: www.cdc.gov/nceid/dgmg/feature-stories/operation-dog-catcher.html.

⁹¹ Maher J, Wyatt T. Rural-urban dynamics in the UK illegal puppy trade: trafficking and trade in man’s best friend. *International Journal of Rural Law and Policy*. 2019; 9 (2): 1–20.

⁹² Zucca P, Rossman MC, Osorio JE, Karem K, De Benedictis P, Haifsl J, et al. The ‘bio-crime model’ of cross-border cooperation among veterinary public health, justice, law enforcements, and customs to tackle the illegal animal trade/bio-terrorism and to prevent the spread of zoonotic diseases among human population. *Frontiers in Veterinary Science*. 2020; 7: 1–13.

⁹³ British Broadcasting Corporation. Illegal puppy trade warning as sales boom during the COVID pandemic. 18 NOV 2020. *British Broadcasting Corporation News*.

⁹⁴ Pieracci, E., Williams, C., Wallace, R., Kalapura, C., Brown, C. U.S. dog importations during the COVID–19 pandemic: Do we have an erupting problem? *PLoS ONE*, 16(9), e0254287. Doi: 10.1371/journal.pone.0254287.

⁹⁵ Zucca P, Rossman MC, Osorio JE, Karem K, De Benedictis P, Haifsl J, et al. The ‘bio-crime model’ of cross-border cooperation among veterinary public health, justice, law enforcements, and customs to tackle the illegal animal trade/bio-terrorism and to prevent the spread of zoonotic diseases among human population. *Frontiers in Veterinary Science*. 2020; 7: 1–13.

⁹⁶ CDC. Rabies Serology. Available at: www.cdc.gov/rabies/specific_groups/hcp/serology.html#What%20Does%20A%20Rabies%20Virus%20Titer%20Mean?

⁹⁷ Klevar S, Hogasen HR, Davidson RK, Hammes IS, Treiberg Berndtsson L, Lund A. Cross-border transport of rescue dogs may spread rabies in Europe. *The Veterinary Record*. 2015; 176 (26): 672.

⁹⁸ *Id.*

⁹⁹ Rota Modari E, Alonso S, Mancin M, De Nardi M, Hudson-Cooke S, Veggiato C, et al. Rabies vaccination: higher failure rates in imported dogs than those vaccinated in Italy. *Zoonoses and Public Health* 2022; 64 (2): 146–55.

¹⁰⁰ Weese S. Rabies titers in dogs imported into Ontario, Canada (2021–2022). Abstract submitted to Canadian Association of Veterinary Epidemiology and Preventative Medicine (CAVEPM) Conference 2023.

¹⁰¹ Sinclair JR, Wallace RM, Gruszynski K, et al. Rabies in a dog imported from Egypt with a falsified rabies vaccination certificate—Virginia, 2015. *MMWR Morb Mort Wkly Rep* 2015; 64:1359–62. <https://doi.org/10.15585/mmwr.mm6449a2>.

¹⁰² Quarantine periods for animals exposed to rabies can vary between 30 days to six months based on several factors, including vaccination history, serologic titers or prospective serologic monitoring results, or jurisdictional requirements.

veterinarian examined the dog one day after its arrival and tested the dog for rabies. A rabies test showed that the dog was positive for DMRVV.¹⁰³ Public health officials recommended that at least four people receive rabies PEP, and the remaining three dogs underwent quarantine periods ranging from 30 days to six months. An investigation revealed the likelihood of falsified rabies vaccination documentation presented on entry to the United States.¹⁰⁴

In 2019, 26 dogs were imported into the United States from Egypt by a rescue organization. All dogs had rabies vaccination documentation and serologic documentation indicating the presence of rabies antibodies in response to immunization, based on results from an Egyptian government-affiliated rabies laboratory. However, one dog developed signs of rabies three weeks after arrival and later tested positive for DMRVV. The resulting public health investigation raised suspicions that the rabies vaccination documents and serological test results had been falsified for all 26 dogs in the shipment, because 18 dogs in the shipment lacked serologic evidence of vaccination when re-tested in the United States. As a result, 44 people were required to receive PEP and the 25 other dogs imported on the same flight underwent re-vaccination and quarantines that ranged from four to six months. The rabid dog had been released into an individual's home because of its false paperwork and subsequently had contact with an additional 12 dogs, all of which had to be revaccinated and undergo quarantine periods ranging from 45 days to six months.¹⁰⁵ The public health investigations and administration of rabies PEP to exposed persons in this case cost more than \$400,000 in State resources.¹⁰⁶ ¹⁰⁷ As a result of the rabid dog importations that occurred in 2015, 2017, and 2019, CDC issued a temporary

suspension for dogs entering the United States from Egypt.¹⁰⁸ ¹⁰⁹

In June 2021, 33 dogs and one cat were imported into the United States from Azerbaijan by an animal rescue organization. All dogs had rabies vaccination documents that appeared valid upon arrival in the United States. Three days after arrival, one dog developed signs of rabies. CDC confirmed the dog was infected with DMRVV known to circulate in the Caucasus Mountains region of Azerbaijan. The remaining rescue animals exposed to the rabid dog during travel were quickly dispersed across nine states, leading to what is believed to be the largest, multi-state, imported rabid dog investigation in U.S. history.¹¹⁰ Eighteen people received PEP to prevent rabies because of exposure to the rabid dog. CDC performed the test known as the "Prospective Serologic Monitoring" test on the remaining dogs and the public health investigation revealed that improper vaccination practices by the veterinarian in Azerbaijan likely contributed to the inadequate vaccination response documented in 48 percent of the imported animals, including the rabid dog.¹¹¹ The 33 exposed animals were revaccinated and placed in quarantine for periods ranging from 45 days to six months.¹¹²

Avoiding Disruption of DMRVV Re-Introduction

The disruption to public health associated with even a single rabid dog importation can be significant. For every imported rabid dog, an average of 20 people and 21 animals receive post-exposure prophylaxis (PEP) or undergo vaccination and quarantine, respectively, resulting in a substantial disruption to State and local public health services, a considerable cost

burden to states, and a significant toll on the physical and mental health of exposed persons and animals.

To manage even one instance of DMRVV exposure, State public health officials must immediately pivot from routine or less life-threatening responses and initiate multiple actions, some of which are extensive. First, the State health department must initiate an in-depth investigation to locate all persons and animals who were exposed to the rabid dog from the 10 days prior to the dog showing symptoms until the dog dies or is euthanized. In many instances, multiple health departments are involved and, based on the results of the investigation, CDC may be required to notify the World Health Organization pursuant to the International Health Regulations. Next, State health departments must conduct a rabies risk assessment of all individuals affected to determine if they need post-exposure prophylaxis (PEP), and if they are determined to be at risk, to administer post-exposure prophylaxis. Finally, if any of the individuals were scratched or bitten, they may also need wound care, tetanus boosters, and/or antibiotics.

CDC estimates a range of costs for public health investigations and subsequent cost of care for people exposed to rabid dogs to be between \$210,000 and \$510,000 per importation event, as summarized in Section VI.¹¹³ ¹¹⁴ This cost estimate does not include the cost to evaluate, vaccinate, test, and quarantine exposed animals. This cost estimate also does not account for the worst-case outcomes, which include: (1) transmission of rabies to a person who dies from the disease; and (2) ongoing transmission to other domestic and wildlife species in the United States. Finally, these costs do not include the cost of re-eliminating DMRVV if it were to be re-established in the United States, making this estimate an underestimate of the total cost associated with an imported rabid dog.

It bears noting that while the cost of public health investigations and administering PEP is borne by public health departments, the individuals who are the subjects of the investigations and who may receive PEP will experience great disruption and physical and emotional burden: rabies PEP can be painful (specifically, rabies immunoglobulin administered at the

¹⁰³ The diagnosis of rabies requires laboratory confirmation on the basis of a positive result for the direct fluorescent antibody test performed on CNS tissue collected post-mortem. National Association of State Public Health Veterinarians. Compendium of animal rabies prevention and control, 2016. *JAVMA* 2016; 248 (5):505–517.

¹⁰⁴ Hercules Y, Bryant NJ, Wallace RM, et al. Rabies in a dog imported from Egypt—Connecticut, 2017. *MMWR Morb Mort Wkly Rep* 2018;67:1388–91. <https://doi.org/10.15585/mmwr.mm6750a3>.

¹⁰⁵ Raybern, C et al. Rabies in a dog imported from Egypt-Kansas, 2019. *MMWR Morb Mort Wkly Rep* 2020; 69 (38): 1374–1377.

¹⁰⁶ *Id.*

¹⁰⁷ Centers for Disease Control and Prevention (2022). Rabies Postexposure Prophylaxis. Retrieved from https://www.cdc.gov/rabies/medical_care/index.html.

¹⁰⁸ 84 FR 20628 (May 10, 2019).

¹⁰⁹ CDC implemented this suspension because of the lack of veterinary controls available in Egypt to prevent the exportation of rabid dogs. With limited exceptions, CDC began requiring a *CDC Dog Import Permit* and documentation of the dog's rabies serologic tests from World Organisation for Animal Health (WOAH)-approved laboratories for eligible importers. Since these permit and serologic test requirements were implemented, no rabid dogs have been imported from Egypt.

¹¹⁰ Whitehill F, Bonaparte S, Hartloge C, et al. Rabies in a Dog Imported from Azerbaijan-Pennsylvania, 2021. *MMWR Morb Mort Wkly Rep* 2022; 71: 686–689.

¹¹¹ Centers for Disease Control and Prevention (2021). CDC responds to a case of rabies in an imported dog. Retrieved from <https://www.cdc.gov/worldrabiesday/disease-detectives/rabies-imported-dog.html>.

¹¹² Whitehill F, Bonaparte S, Hartloge C, et al. Rabies in a Dog Imported from Azerbaijan-Pennsylvania, 2021. *MMWR Morb Mort Wkly Rep* 2022; 71: 686–689.

¹¹³ Raybern, C et al. Rabies in a dog imported from Egypt-Kansas, 2019. *MMWR Morb Mort Wkly Rep* 2020; 69 (38): 1374–1377.

¹¹⁴ CDC. Guidance Regarding Agency Interpretation of "Rabies-Free" as It Relates to the Importation of Dogs Into the United States. 84 FR 724 (Jan. 31, 2019).

site of the wound) and protracted; DMRVV is 99% fatal in humans, a statistic certain to engender fear and anxiety; and the need to quarantine exposed pets can create a sense of great disruption and concern.

Finally, DMRVV becoming re-established in the United States would result in costly efforts over many years to eliminate the virus again. The extraordinary cost of re-introduction of DMRVV is demonstrated by an instance of reintroduction that occurred in Texas, where DMRVV had been previously eliminated. The reintroduction resulted in several human deaths; the subsequent re-elimination of DMRVV cost \$56 million (in 2023 USD) and required over 10 years of effort.^{115 116}

Addressing Potential Gaps in Rabies Control

The rule is further necessitated by two new threats to rabies control efforts domestically and abroad, which could increase the risk of the re-introduction of DMRVV in the United States—drops in vaccination coverage among U.S. dogs and disruptions to rabies control programs in high-risk countries.

The risk of re-introduction of DMRVV is compounded by potential gaps in rabies vaccine coverage among U.S. dogs. Researchers recently documented canine vaccine hesitancy, which is defined as “a dog owners’ skepticism about the safety and efficacy of administering routine vaccinations to their dogs,” in 53% of the U.S. population. Rabies vaccination in pets creates a protective barrier between people and wildlife infected with rabies by disrupting the virus transmission chain. Declines in canine rabies vaccination rates increases the chance of people being exposed to and infected with the rabies virus.

This perspective among dog owners could lead to decreases in rabies vaccination coverage in pets, creating a potential susceptible pet population primed for DMRVV re-introduction.¹¹⁷ Canine vaccine hesitancy has specifically been associated with rabies non-vaccination. While existing

importation regulations have been instrumental in decreasing and preventing the importation of rabid dogs, updates to these regulations, as provided for in the final rule, are necessary to sustain and advance effective control of DMRVV.

The COVID-19 pandemic also negatively impacted global canine rabies vaccination campaigns, which have yet to recover. Successful canine rabies control requires canine mass vaccination coverage equal to or greater than 70% of a country’s dog population.^{118 119} Achieving pre-pandemic vaccination rates for countries that were moving toward canine rabies control and elimination prior to the COVID-19 pandemic could take years to recover, and some countries may require even longer periods of time to attain pre-pandemic vaccination levels. During the COVID-19 pandemic, canine rabies vaccination campaigns were disrupted in many high-risk countries, which resulted in an increase in canine and human rabies cases.^{120 121} This disruption to canine vaccination campaigns has been contemporaneous with other factors, including: a high volume of dogs being imported into the United States, insufficient veterinary controls in DMRVV high-risk countries to prevent the export of inadequately vaccinated dogs, inadequate global veterinary supply chains for vaccines and related materials, and persistent workforce capacity shortages, particularly in DMRVV high-risk countries that export dogs to the United States.

A survey of global, regional, national, and local partners from the network of the United Against Rabies Forum¹²²

and rabies practitioners found that the global COVID-19 pandemic impacted rabies control efforts in many high-risk countries during 2020. The study authors reported that dog vaccinations were administered as planned in just four percent of the countries for which data were available. Around half of respondents reported that funds for rabies control were diverted to COVID-19 activities. Respondents who reported diversion of rabies control funds to COVID-19 responses further reported that animal rabies vaccines and dog vaccination campaigns were often the first rabies control activities to be cut.¹²³

Global veterinary workforce capacity and veterinary supply chain shortages that have led to delayed or disrupted care for dogs (and other pets), and that were exacerbated by the COVID-19 pandemic, still remain today. The lack of veterinarians, veterinary technicians, and other animal care staff who are available to provide care for dogs prior to travel, combined with a lack of veterinary supplies such as drugs and vaccines, increase the likelihood dogs imported into the United States may pose a public health threat.^{124 125 126 127} Challenges with rabies vaccine administration, distribution, potency, quality, and storage in many countries also contribute to inadequate protection against rabies prior to the pandemic; these challenges continue as public health infrastructure recovers post-pandemic.^{128 129 130 131}

bringing together governments, vaccine producers, researchers, non-governmental organizations and development partners to end human deaths from dog-mediated rabies.

¹²³ Nadal D, Abela-Ridder B, Beeching S, Cleaveland S, Cronin K, Steenson R and Hampson K (2022). The Impact of the First Year of the COVID-19 Pandemic on Canine Rabies Control Efforts: A Mixed-Methods Study of Observations About the Present and Lessons for the Future. *Front Trop Dis* 3:866811. doi: 10.3389/fitd.2022.866811.

¹²⁴ <https://www.theatlantic.com/health/archive/2022/07/not-enough-veterinarians-animals/661497/>.

¹²⁵ <https://www.agcanada.com/2021/07/is-the-veterinarian-shortage-real-or-regional#:~:text=A%20perceived%20global%20shortage%20of%20veterinarians%20is%20creating,for%20the%20quality%20of%20care%20they%20can%20offer.>

¹²⁶ <https://www.thebusinessresearchcompany.com/report/companion-animal-veterinary-vaccines-global-market-report>.

¹²⁷ <https://7news.com.au/lifestyle/pets/australian-dog-owners-warned-of-national-vaccine-shortage-as-deadly-bacterial-disease-spreads-c-8568550>.

¹²⁸ Hu RL, Fooks AR, Zhang SF, Liu Y, Zhang F. Inferior rabies vaccine quality and low immunization coverage in dogs in China. *Epidemiol Infect.* 2008; 136: 1556–63.

¹²⁹ Yale G, Sudarshan S, Taj S, Patchimuthu GI, Mangalanathan BV, et al. Investigation of protective level of rabies antibodies in vaccinated dogs in Chennai, India. *Vet Record.* 2021; 8: e8.

Continued

¹¹⁵ Thomas, S., Wilson, P., Moore, G., Oertli, E., Hicks, B., Rohde, R., Johnston, D. (2005). Evaluation of oral rabies vaccination programs for control of rabies epizootics in coyotes and gray foxes: 1995–2003. *Journal of the American Veterinary Medicine Association*, 227(5), 785–92. Doi: 10.2460/javma.2005.227.785.

¹¹⁶ Sterner, R., Meltzer, M., Shwiff, S., Slate, D. (2009). Tactics and Economics of Wildlife Oral Rabies Vaccination, Canada and the United States. *Emerging Infectious Diseases*, 15(8), 1176–1184. Doi: 10.3201/eid1508.081061.

¹¹⁷ Motta, M., Motta, G., Stecula, D. (2023). Sick as a dog? The prevalence, politicization, and health policy consequences of canine vaccine hesitancy (CVH). *Vaccine*, 41: 5946–5950.

¹¹⁸ Coleman PG, Dye C. Immunization coverage required to prevent outbreaks of dog rabies. *Vaccine*. 1996 Feb;14(3):185–6. Doi: 10.1016/0264-410x(95)00197–9. PMID: 8920697.

¹¹⁹ Zinsstag J, Dürr S, Penny MA, Mindekem R, Roth F, Menendez Gonzalez S, Naissengar S, Hattendorf J. Transmission dynamics and economics of rabies control in dogs and humans in an African city. *Proc Natl Acad Sci U S A*. 2009 Sep 1;106(35):14996–5001. Doi: 10.1073/pnas.0904740106. Epub 2009 Aug 17. PMID: 19706492; PMCID: PMC2728111.

¹²⁰ Kunkel, A., Jeon, S., Joseph, H., Dilius, P., Crowdis, K., Meltzer, M., Wallace, R. (2021). The urgency of resuming disrupted dog rabies vaccination campaigns: a modeling and cost-effectiveness analysis. *Scientific Reports*, 11, 12476. Doi:10.1038/s41598–021–92067–5.

¹²¹ Raynor, B., Díaz, E., Shinnick, J., Zegarra, E., Monroy, Y., Mena, C., . . . Castillo-Neyra, R. (2021). The impact of the COVID-19 pandemic on rabies reemergence in Latin America: The case of Arequipa, Peru. *PLoS Neglected Tropical Diseases*, 15(5), e0009414. Doi:10.1371/journal.pntd.0009414.

¹²² A forum supported by the Food and Agriculture Organization of the United Nations, the World Organisation for Animal Health, and the World Health Organization (the Tripartite), which takes a multi-sectoral, One Health approach

Comment: CDC received comments stating that the current regulation for dogs and cats is sufficient or that CDC should keep its current importation system in place. Because the commenter did not elaborate on what they meant by the term “current importation system,” CDC assumes that this refers to requirements under the temporary suspension.

Response: CDC disagrees that current regulations are sufficient to prevent the reintroduction of DMRVV into the United States. CDC notes that its Federal quarantine regulations (currently found at 42 CFR 71.51) controlling the entry of dogs and cats into the United States have not been substantively updated in decades. The final rule includes many improvements in terms of public health protection against the reintroduction of DMRVV over the current regulations. Among other things, the final rule removes the current requirement for a valid rabies vaccine certificate in 42 CFR 71.51(c) and replaces it with standardized rabies vaccination forms that better prevents importers from submitting fraudulent rabies documentation. The use of standardized forms also helps ensure that foreign-vaccinated dogs imported from DMRVV high-risk countries meet CDC entry requirements prior to traveling to the United States and allows for follow-up with the exporting country’s government officials if needed. The final rule further requires pre-arrival rabies serologic testing, as well as revaccination, examination, and, in some cases, quarantine upon arrival at a CDC-registered ACF for foreign-vaccinated dogs from DMRVV high-risk countries. Additionally, the final rule requires that all dogs be microchipped at the time of admission. Microchips are a widely used method of confirming the dogs’ identity and help prevent importers from fraudulently presenting dogs for admission that do not match the dogs’ accompanying health records. Finally, the provisions in this final rule are estimated to reduce the number of dogs arriving ill or dead, which should in turn conserve agency resources by diminishing the need for CDC to conduct public health investigations to rule out whether the dogs may have died of a zoonotic disease of public health concern, including DMRVV.

CDC also disagrees that it should maintain the same system in place as it used during the temporary suspension. Beginning in June 2021, CDC published a temporary suspension of dogs entering the United States from DMRVV high-risk countries. The temporary suspension created a system that, among other things, implemented the use of standardized forms, required titer test results demonstrating the presence of rabies antibodies in dogs, and authorized a private network of ACF allowing for the immediate quarantine of dogs from DMRVV high-risk countries arriving with inadequate proof of titers. Although this final rule implements a similar regulatory framework based on the documented successes of the temporary suspension, there are important differences. Unlike during the temporary suspension, the final rule does not rely on CDC issuing CDC Dog Import Permits for foreign-vaccinated dogs from DMRVV high-risk countries. Rather, the final rule relies on the network of private ACF to examine, revaccinate, and quarantine (if necessary) foreign-vaccinated dogs from DMRVV high-risk countries. The final rule adopts this system instead of the permit system used during the temporary suspension because issuing permits costs CDC more in terms of personnel and IT services. By replacing the permitting system for foreign-vaccinated dogs from DMRVV high-risk countries with a system of ACF, CDC anticipates a reduction in costs and staff time associated with dog importation because the importer will bear the costs of examination, revaccination, and quarantine (if needed) at an ACF.

During the temporary suspension CDC also continued to document attempts by importers to submit fraudulent documentation to receive a CDC Dog Import Permit. CDC recognized there is limited value in reviewing paperwork alone because physical inspection of animals in combination with a review of paperwork submitted by importers has a greater likelihood of allowing CDC to detect both fraudulent paperwork and communicable diseases of concern in dogs. For example, in 2002–2023, ACF found several ticks on imported dogs. Investigation by CDC and USDA determined these were novel, exotic ticks that had never been found in the Western hemisphere. The health impacts of these ticks on people, livestock, wildlife, and pets are unknown because they have not been studied previously. Physical examination of dogs, which is crucial for rabies detection, at the ACF was also instrumental in detecting and

preventing the introduction of these novel ticks in the United States.

Comment: HHS/CDC received comments that the NPRM is not needed because U.S. states already regulate rabies control within the United States.

Response: HHS/CDC disagrees with these comments. Although U.S. States establish requirements relating to rabies vaccination and control within their own jurisdictions, it is HHS/CDC’s role to regulate the importation of dogs into the United States from foreign countries. The final rule should reduce the burden on state, local, and territorial public health and animal health agencies and support U.S. State requirements. As noted above, a single importation of a DMRVV-infected dog can cost affected State governments hundreds of thousands of dollars for the ensuing public health investigations and rabies post-exposure prophylaxis (PEP) treatments administered to exposed persons. The cost to State and local governments can balloon significantly in the case of worst-case outcomes, which include: (1) transmission of rabies to a person who dies from the disease; and (2) ongoing transmission to other domestic and wildlife species in the United States.

There have been significant challenges for State and Federal agencies in enforcing or verifying vaccination requirements in internationally imported animals. In 2021, the importation of a rabid dog resulted in a ten-state multi-agency investigation to locate all people and animals exposed to the rabid dog. It was the largest investigation of an imported rabid dog, to date, and required immense resources and time from multiple states to complete. Furthermore, HHS/CDC received comments from Federal, State, and Local government agencies in support of this rule. State and local government agencies expressed support for requiring veterinary examination, revaccination, and quarantine (if needed) of dogs on arrival to reduce the burden on these agencies. These commenters also noted that these practices would also reduce the public health risk that imported dogs pose to U.S. communities, domestic pets, and wildlife and would improve the government’s ability to identify dogs with diseases or external parasites before they enter the United States.

This final rule will reduce the enforcement burden on jurisdictions and help to ensure all foreign-vaccinated dogs are vaccinated with a USDA-licensed vaccine on arrival, thereby reducing the public health risk of these dogs and bringing the dogs into

¹³⁰ Whitehill F, Bonaparte S, Hartloge C, et al. Rabies in a Dog Imported from Azerbaijan-Pennsylvania, 2021. *MMWR Morb Mortal Wkly Rep* 2022; 71: 686–689.

¹³¹ Rota Modari E, Alonso S, Mancin M, De Nardi M, Hudson-Cooke S, Veggiato C, et al. Rabies vaccination: higher failure rates in imported dogs than those vaccinated in Italy. *Zoonoses and Public Health* 2022; 64 (2): 146–55.

compliance with rabies control requirements.

Comment: One commenter asserted the rule was unnecessary because the increase in numbers of imported dogs was due to the COVID-19 pandemic and the pandemic has now ended.

Response: CDC disagrees with this comment because demand for dogs from abroad has remained high since the pandemic. Further, the pandemic disrupted rabies control programs in high-risk countries, a trend that persists today and increases the risk of DMRVV importations.

Since 2021, the demand for puppies and rescue dogs has remained high. The trend in purchasing and rescuing dogs from abroad has been noted in many countries, including the United States.^{132 133 134 135} Internationally, there has been significant growth within the companion animal breeding industry with increasing international trade.¹³⁶ Multiple international and U.S. investigations have identified importations of puppies that were too young to meet rabies vaccination requirements.^{137 138 139 140} In addition, there is growing evidence that criminal networks are becoming involved in the lucrative dog trade, and the illegal

puppy trade was reported to have increased during the pandemic.^{141 142 143} Because imported dogs will typically encounter multiple people, pets, and other animals throughout their journey—beginning at the airport in the country of departure and continuing with the airline, through the U.S. port, and pet adoption and pet socialization process—an increase in inadequately vaccinated dogs likewise increases the risk of human and animal exposure.¹⁴⁴

HHS/CDC received 118,312 signatures from supporters of international dog rescues, suggesting the demand for dogs and the desire to import dogs from DMRVV high-risk countries remains high. Additionally, a recent report published in 2022 found that retail pet stores and shelters/rescues provide less than 15% of the puppies needed to meet annual U.S. demand. The report suggests that the importation of dogs may be one of the main ways to supply the current demand for dogs in the United States.¹⁴⁵

B. General Comments on Burden

Comment: Most of the 200 comments stating that the rule was unnecessary also made some type of assertion that the rule was generally excessive or too burdensome, without citing specific requirements of the rule that the commenters believed were excessive or too burdensome.

Response: HHS/CDC address comments about the burden of specific provisions of the rule (e.g., titer and quarantine requirements) in more detail below. Regarding the claim that the rule is generally too burdensome, HHS/CDC disagrees. As noted above, the risk of DMRVV importation is a high-consequence event and increased fraud, the severe disruptions posed by DMRVV re-introduction, and new gaps in domestic and international rabies control efforts demand an update of U.S.

dog importation requirements to ensure continued effective DMRVV control. Further, the requirements of the rule itself align U.S. importation requirements with the best practices advanced by WOAAH, and the practices of member countries (including the United States). In fact, this final rule is less burdensome than WOAAH standards and the requirements of many other DMRVV-free countries, which reflects HHS/CDC's considered efforts to reduce the burden of the rule on importers while advancing best public health and importation practices.

WOAH has long recognized the risk of rabies to human and animal health. WOAAH has led the development of longstanding international animal movement standards to ensure that dogs imported from DMRVV high-risk countries are vaccinated, have an adequate antibody titer, appear healthy at the time of importation, and undergo a sufficient waiting period before importation (or quarantine after arrival) to ensure they do not develop signs of rabies. WOAAH's Terrestrial Manual¹⁴⁶ states that all dogs, cats, and ferrets from rabies-endemic countries should meet the following standards for international movement:

- Receive an international veterinary certificate prior to travel which confirms administration of a rabies vaccine and a rabies antibody titer collected and tested in accordance with the WOAAH Terrestrial Manual;
- Undergo examination the day prior to shipment to ensure the animal is not showing signs of rabies;
- Are permanently identified (e.g., microchip) with the identification number listed on the certificate;
- Are vaccinated against rabies in accordance with manufacturer's recommendations with a vaccine that was produced in accordance with the WOAAH Terrestrial Manual;
- Have a titer test conducted not less than 3 months and not more than 12 months prior to travel, with a titer test result ≥ 0.5 IU/mL; or
- Are kept in a Federal quarantine station for six months prior to shipment.

Seventy-one percent of rabies-free countries meet or exceed the WOAAH standards for the international movement of dogs from rabies-endemic areas whereas the current HHS/CDC regulation for the importation of dogs and cats (42 CFR 71.51) does not align with WOAAH standards.¹⁴⁷ This final rule adopts many but not all WOAAH

¹³² Pieracci, E., Williams, C., Wallace, R., Kalapura, C., Brown, C. U.S. dog importations during the COVID-19 pandemic: Do we have an erupting problem? *PLoS ONE*, 16(9), e0254287. Doi: 10.1371/journal.pone.0254287.

¹³³ Wynne E. Dog lovers find prices rise steeply amid COVID-fueled demand. *Australian Broadcasting Corporation News*. 20 May 2021.

¹³⁴ Morgan L, Protopopova A, Birkler RID, Itin-Shwatz B, Sutton G, Gamliel A, et al. Human-dog relationships during the COVID-19 pandemic: booming dog adoption during social isolation. *Humanities and Social Science Communications*. 2021; 7(150): 1–11.

¹³⁵ Velez M. I adopted my dog Cannoli from overseas. It's easier than you think. 9/20/2020. Available at: <http://www.thedailybeast.com/i-adopted-my-dog-cannoli-from-overseas-its-easier-than-you-think>.

¹³⁶ Maher J, Wyatt T. European illegal puppy trade and organized crime. *Trends in Organized Crime*. 2021; 24(4) 506–525.

¹³⁷ Pieracci, E., Williams, C., Wallace, R., Kalapura, C., Brown, C. U.S. dog importations during the COVID-19 pandemic: Do we have an erupting problem? *PLoS ONE*, 16(9), e0254287. doi: 10.1371/journal.pone.0254287.

¹³⁸ Zucca P, Rossman MC, Osorio JE, Karem K, De Benedictis P, Haifsl J, et al. The 'bio-crime model' of cross-border cooperation among veterinary public health, justice, law enforcements, and customs to tackle the illegal animal trade/bio-terrorism and to prevent the spread of zoonotic diseases among human population. *Frontiers in Veterinary Science*. 2020; 7: 1–13.

¹³⁹ Cocchi M, Danesi P, DeZan G, Leati M, Gagliazzo L, et al. A three-year biocrime sanitary surveillance on illegally imported companion animals. *Pathogens*. 2021; 10(80):1–12.

¹⁴⁰ Houle MK. Perspective from the field: Illegal puppy imports uncovered at JFK airport. 2017. Available at: www.cdc.gov/nczid/dgmq/feature-stories/operation-dog-catcher.html.

¹⁴¹ Maher J, Wyatt T. Rural-urban dynamics in the UK illegal puppy trade: trafficking and trade in man's best friend. *International Journal of Rural Law and Policy*. 2019; 9 (2): 1–20.

¹⁴² Zucca P, Rossman MC, Osorio JE, Karem K, De Benedictis P, Haifsl J, et al. The 'bio-crime model' of cross-border cooperation among veterinary public health, justice, law enforcements, and customs to tackle the illegal animal trade/bio-terrorism and to prevent the spread of zoonotic diseases among human population. *Frontiers in Veterinary Science*. 2020; 7: 1–13.

¹⁴³ British Broadcasting Corporation. Illegal puppy trade warning as sales boom during the COVID pandemic. 18 NOV 2020. *British Broadcasting Corporation News*.

¹⁴⁴ Centers for Disease Control and Prevention. Quarantine Activity Reporting System (version 4.9.8.8.2.2A). Dog importation data, 2018–2020. Accessed: February 15, 2021.

¹⁴⁵ Pet dog supply and demand in the United States. 2022. Available at: wellbeingintl.org/pet-dog-supply-and-demand-in-the-united-states/.

¹⁴⁶ WOAAH Terrestrial Manual 2023, chapters 3.1.18 and 8.15.7.

¹⁴⁷ Unpublished data (C. Williams, CDC). October 24, 2023.

standards. HHS/CDC carefully considered the WOA standards when drafting the final rule. Consultation with rabies subject matter experts and review of peer-reviewed literature allowed HHS/CDC to identify several areas in which HHS/CDC could reduce the burden on importers while protecting public health.

The HHS/CDC requirements outlined in this final rule are less burdensome than WOA standards in the following ways:

- HHS/CDC is not requiring cats or ferrets meet the standards outlined by WOA as HHS/CDC is not aware of any previous reports of imported rabid cats or ferrets.
- HHS/CDC is not requiring examination of dogs the day before travel and is allowing a longer time period between examination and travel to assist importers in submitting all required documentation to the airlines in a timely manner to make flight reservations;
- HHS/CDC is not requiring the use of rabies vaccines manufactured in accordance with the WOA Terrestrial Manual as this would exclude individuals from importing dogs from most DMRVV high-risk countries due to lack of availability of these high-quality vaccines;
- Peer-reviewed findings suggest a shorter waiting period is adequate to prevent the importation of a rabid dog that is incubating rabies at the time the titer is collected.¹⁴⁸ CDC will publish the length of the waiting period in technical instructions. The technical instructions will be based on the latest scientific information and may be updated in the future based on new scientific information and advancements in veterinary medicine related to vaccination and titer testing.
- HHS/CDC is not requiring a six-month quarantine prior to shipping an animal without a titer as most countries do not have this capacity. Instead, HHS/CDC has identified CDC-registered Animal Care Facilities that can provide quarantine services after arrival for dogs unable to receive a titer prior to shipment.

HHS/CDC is not requiring a quarantine period of six months and is instead requiring 28-days based on peer-reviewed findings, if the importer does not have rabies serologic test results.¹⁴⁹

This represents a significantly lower time and cost burden for importers.

C. Comments on Exemptions for Certain Groups

Comment: HHS/CDC received various comments suggesting that certain categories of importers or types of dogs should not be subject to specific provisions of this rule, referenced as “exemptions” here. These commenters proposed that the final rule should exempt (1) U.S. government (USG) employees and military members (both routinely and during emergencies); (2) certain U.S. citizens; (3) certified rescue organizations; (4) U.S.-based rescue organizations; (5) breeders; and (6) certain types of dogs such as specific dog breeds, service dogs, government-owned dogs, dogs used in research, U.S.-vaccinated dogs, and personal pets. Many commenters noted that all of the rabid dogs imported into the United States since 2015 were imported by rescue organizations; thus they contended that imposing requirements on other types of importers was not necessary. Commenters suggested that HHS/CDC implement different import requirements for different importers and tailor its requirements based on the risk profile of the importer, and that CDC add definitional terms to distinguish between different types of importers (e.g., pet owners, rescue groups). Other comments suggested creating a separate registration or inspection system for commercial importers or rescue organizations or limiting the number of dogs imported by rescue organizations.

Response: HHS/CDC disagrees with these comments. The final rule is designed to address and reduce the risk of the importation of a dog with DMRVV. That risk exists based on two factors: (1) the likelihood that an animal was exposed to DMRVV; and (2) whether the animal was sufficiently vaccinated to protect against infection. Based on these factors, available evidence, and CDC’s experience with importations, a dog’s recent presence in a high-risk DMRVV country and the dog’s vaccination status (U.S.-versus foreign-vaccinated) are the best ways to evaluate the risk that an imported dog may have DMRVV. An importer’s statement regarding the intended use of the dog (e.g., show dog, personal pet); the dog’s breed; whether it is a service animal or working dog; the nationality of the importer; and the importer’s occupation do not provide useful evidence for evaluating the risk of DMRVV presented by that animal.

While it is accurate that since 2015 dog rescue organizations have imported four dogs for adoption that were subsequently found to be rabid, differentiating between commercial dog importations and dogs imported as personal pets is operationally impracticable and increases opportunities for fraud. For example, CDC has documented many importers who claimed to own the dogs they were importing as personal pets, but upon further investigation by CBP, USDA, and CDC it was determined that they were transporting the dogs for resale or on behalf of a rescue organization. These importers admitted to being flight parents and misrepresented that they were the personal owners of the dogs. They confirmed that they were unable to verify the vaccination history or health status of the dogs they were transporting. Many had just met the dogs for the first time at the airport on the day the flight departed. In 2017, a dog with rabies was imported by a flight parent who was bitten during the flight and could not attest to the legitimacy of the dog’s rabies vaccination paperwork.¹⁵⁰ CDC suspected the paperwork was falsified because the dog developed rabies and died.

False claims of ownership raise public health concerns because the importer does not know the true health history of the dog and cannot accurately attest to their vaccination status and rabies exposure history. This creates an increased risk of a rabid dog being imported and these fraudulent claims also place importers at risk of exposure to rabies and other zoonotic diseases of concern. Applying standardized importation requirements for dogs based on their vaccination status and recent presence in a high-risk country grounds the rule’s requirements in the factors that actually determine DMRVV risk, helps ensure dogs are adequately protected against rabies, and minimizes the risk of human exposure to rabies. Additionally, creating different importation requirements for pets and rescue dogs could also create confusion and increase the regulatory burden for airlines and the transportation industry who would be responsible for documenting and ensuring that the importer is not misrepresenting the purpose of the import.

Differentiating importation requirements based on the type of importer has also proven impracticable based on CDC’s recent experience

¹⁴⁸ Smith TG, Fooks AR, Moore SM, Freuling CM, Muller T, et al. Negligible risk of rabies importation in dogs thirty days after demonstration of adequate serum antibody titer. *Vaccine* 2021; 39 (18): 2496–2499.

¹⁴⁹ Smith TG, Fooks AR, Moore SM, Freuling CM, Muller T, et al. Negligible risk of rabies importation in dogs thirty days after demonstration of adequate

serum antibody titer. *Vaccine* 2021; 39 (18): 2496–2499.

¹⁵⁰ Hercules Y, Bryant NJ, Wallace RM, et al. Rabies in a dog imported from Egypt—Connecticut, 2017. *MMWR Morb Mort Wkly Rep* 2018;67:1388–91. <https://doi.org/10.15585/mmwr.mm6750a3>.

implementing the temporary suspension on importation of dogs from DMRVV high-risk countries. On June 16, 2021, HHS/CDC announced that temporary suspension to protect the public's health. Through the temporary suspension, CDC implemented requirements for importers of dogs from DMRVV high-risk countries. From July 14, 2021, to June 9, 2022, CDC issued CDC Dog Import Permits on a limited basis, for persons permanently relocating to the United States, importers of government-owned working dogs, or owners of service animals to alleviate the potential burden of the temporary suspension for these categories of importers.

On June 10, 2022, HHS/CDC modified the temporary suspension to allow commercial importations of dogs from DMRVV high-risk countries through ACF. On July 10, 2023, HHS/CDC extended the temporary suspension without modifications through July 31, 2024, because of a continued risk of reintroduction of DMRVV due to insufficient veterinary controls in DMRVV high-risk countries to prevent the export of inadequately vaccinated dogs and veterinary supply chain and workforce capacity shortages that have persisted since the global COVID-19 pandemic.

During the period of the temporary suspension, HHS/CDC attempted to differentiate between personal pets and commercial dog imports and received hundreds of applications from commercial importers claiming to be importing dogs as personal pets. Although CDC was able to identify some of these cases and revoke dog import permits for ineligible importers, doing so was difficult and required extensive communication between CDC and other port partners such as CBP and USDA. As this experience shows, the stronger approach provided for in this final rule is to tailor importation requirements based on factors with a relationship to DMRVV risk, namely the country of origin and the dog's vaccination status (U.S.-versus foreign-vaccinated), as opposed to the category of importer (e.g., commercial importer) or type of dog (e.g., personal pet). Further, this approach conserves Federal agency resources that would otherwise be used in investigating and responding to potential instances of fraud.

In sum, basing importation requirements on a dog's vaccination status and its potential exposure to DMRVV (i.e., whether it has been recently been in a high-risk DMRVV country) is the best way to evaluate the DMRVV risk of an imported dog; basing requirements on the purpose of the

importation, occupation or nationality of the importer, or the breed or working status of the dog would be an ineffective means for evaluating DMRVV risk, would increase incentives for fraud in the ways mentioned above, and be difficult to implement. Because HHS/CDC is not basing importation requirements on the type of importer, there is no reason for the final rule to define specific categories of importer (e.g., pet owner, rescue organization, commercial importer).

Comment: HHS/CDC received over 400 comments from U.S. Government (USG) employees and members of the U.S. military objecting to the proposed rule. Some of these commenters stated that these groups should be given special exemption to import dogs without meeting some or all of the proposed requirements. Other commenters stated that they believed that the proposed rule was specifically targeting USG employees. Some of these commenters asserted that the proposed rule is unnecessary because USG employees and military members are less likely to commit fraud and purportedly provide a higher standard of care for their dogs when compared to other dog owners, thereby negating the rabies risk. Commenters noted potential financial burdens and hardships when having to route through ports with ACF or having to pay for titers.

Response: HHS/CDC disagrees that USG employees and members of the U.S. military should be exempt from any or all importation requirements. CDC has no data to support the proposition that dogs owned by USG employees or members of the U.S. military are better cared for than other dogs or that individuals in these groups are less likely to attempt to import dogs with falsified documents or fraudulent or insufficient titers. CDC has documented multiple instances of falsified documents, including intentionally altered import permits, forged titer results, and falsified rabies vaccination records, submitted by U.S. government employees and military service members both during and prior to CDC's temporary suspension of dogs entering the United States from high-risk countries. CDC reported violations to the USDA, the Department of Defense, and the State Department for internal investigation. Additionally, CDC has documented numerous reports of U.S. government employees, including military service members, adopting stray dogs while stationed overseas. CDC supports the human-animal bond and recognizes the important role these animals play in the lives of government employees and

service members stationed overseas; however, the employment status of the importer does not affect the dog's potential risk of carrying DMRVV. Adopted stray dogs often have unknown rabies exposure history, have received little or no veterinary care or vaccines, and can present a risk of DMRVV just like any other dog that has been in a high-risk country with an unconfirmed vaccination status. Vaccination, titer, and quarantine requirements are essential to protect USG employees, service members, and their families as well as the U.S. communities these dogs are being introduced into when they arrive in the United States. Furthermore, HHS/CDC strongly disagrees that this final rule specifically targets USG employees. This rule bases its importation requirements on the risk profile of the dog's country of origin and the dog's vaccination status (U.S.-versus foreign-vaccinated), and not the type of importer. It imposes no additional requirements on USG employees or members of the U.S. military compared to any other importers. Finally, the State Department has made relocation funds available to U.S. government staff for quarantine fees or titer services. Additionally, there are CDC-approved laboratories providing discounted services for USG employees. In sum, the risk of DMRVV importation is best determined based on a dog's vaccination status and its recent presence in a DMRVV high-risk country rather than the employer of the importer. Thus HHS/CDC declines to create a specific exemption for USG employees and military members.

Comment: HHS/CDC received comments noting that USG employees, members of the U.S. military, U.S. citizens, and U.S. permanent residents often need to return to the United States quickly with their families when an unexpected crisis develops in a foreign country, and that exemptions should be provided in these instances. Some comments said exceptions should be made or requirements should be different for emergency situations without specifying a category of importer that should be exempted.

Response: HHS/CDC recognizes that USG employees, members of the U.S. military, U.S. citizens, and U.S. permanent residents often need to return to the United States quickly with their families when an unexpected crisis develops in a foreign country. In these scenarios, CDC works closely with the U.S. State Department on a case-by-case basis regarding emergency departures from foreign countries. CDC has assisted the U.S. State Department with more than ten evacuations during the

temporary suspension, including evacuations of USG staff from Ukraine, Ethiopia, Nigeria, Haiti, and China, and has ensured foreign services officers were able to evacuate safely with their pet dogs. However, HHS/CDC declines to create a specific exemption under these circumstances because dogs from high-risk rabies countries continue to present a potential DMRVV importation risk regardless of whether imported in emergent or non-emergent circumstances. HHS/CDC plans to continue to support importers during emergency situations by assisting them in making reservations at ACF and educating importers about the importance of maintaining their dog's current rabies vaccination. Potential importers of foreign-vaccinated dogs from DMRVV high-risk countries should also always maintain a valid rabies titer for their dogs from a CDC-approved laboratory in the event of an unplanned emergency. Additionally, HHS/CDC is reducing the burden on importers to maintain a valid titer from a CDC-approved laboratory by reducing the frequency with which titers must be drawn and tested compared to the annual titer requirement during the temporary suspension, which will assist importers in the event of an emergency (see *CDC technical instructions* available at www.cdc.gov/dogtravel). Given the demonstrated and close effective working relationship between CDC and the U.S. Department of State, CDC does not believe a specific exemption for emergencies is necessary in the final rule.

Comment: HHS/CDC received five individual comments and one form letter from an organization representing foreign service officers stating that the proposed requirements in the NPRM on government employees with dogs would result in U.S. employees retiring from public service or would cause them to avoid working in DMRVV high-risk countries.

Response: HHS/CDC appreciates these comments but believes the updated regulation is necessary to protect the public's health and to prevent the reintroduction of DMRVV into the United States because there is a continued threat posed by dogs from high-risk countries that are unvaccinated or inadequately vaccinated against rabies. This continued threat is due to various factors, including: a high volume of dogs being imported into the United States contemporaneous with insufficient veterinary controls in high-risk countries to prevent the export of inadequately vaccinated dogs, inadequate veterinary supply chains for

vaccines and related materials, and persistent workforce capacity shortages, particularly in high-risk countries that export dogs to the United States. HHS/CDC is addressing the various risks associated with the importation of dogs observed in recent years by establishing a regulatory framework based on the documented successes of the temporary suspension. In addition, the requirements and standards in the rule will help ensure the health and safety of the public while also protecting animal health and preventing the reintroduction of DMRVV into the United States.

HHS/CDC is easing the burden on all importers, including USG employees, by relaxing the entry requirements for U.S.-vaccinated dogs so they may enter through any U.S. port if they meet the criteria outlined in § 71.51(t) of the final rule. HHS/CDC is also revising the titer requirements for foreign-vaccinated dogs to reduce both the waiting period before entry into the United States, and the frequency with which titers must be collected.

Further, HHS/CDC's requirements remain less burdensome when compared to WOAHA standards that are widely used in other rabies-free countries. As noted above, HHS/CDC carefully considered the WOAHA standards when drafting the final rule, consulting with rabies subject matter experts and reviewing peer-reviewed literature. Based on these considerations and experience during the temporary suspension, HHS/CDC eased requirements on importers, including USG employees, relative to WOAHA standards in several key areas, including but not limited to: (1) applying requirements only to dogs; (2) not requiring examination the day before travel; (3) not requiring use of vaccines manufactured in accordance with the WOAHA Terrestrial Manual; (4) not requiring a six-month quarantine prior to shipping an animal without a titer; and (5) requiring only a 28-day quarantine rather than six months. The approach in this final rule represents an appropriate balance between flexibility for importers while protecting against importation of DMRVV from high-risk countries.

Additionally, HHS/CDC's requirements remain less burdensome when compared to other countries, such as European Union member states and Australia, that have strengthened their importation requirements for the international movement of dogs (even for animals merely transiting through such countries). The increased challenges that some government employees may face when stationed

abroad reflect an international effort to reduce the spread of foreign animal diseases associated with the movement of animals and are not solely a result of this final rule.

Comment: HHS/CDC received a comment that USG-owned dogs (as distinguished from dogs owned by USG employees) should be exempt from HHS/CDC entry requirements.

Response: An exemption for USG-owned dogs is unnecessary because based on CDC's discussions with USG agencies that utilize government-owned working dogs the dogs owned by the USG are all over six months of age, are microchipped, and maintain a current and valid U.S. rabies vaccination prior to deployments. HHS/CDC does not consider the final rule to be overly burdensome in this regard such that any form of exemption is needed.

Comment: HHS/CDC received a comment stating that dogs imported for research purposes should be exempt from entry requirements.

Response: HHS/CDC has determined that a research exemption is not necessary given the infrequency with which dogs are imported for research purposes from DMRVV high-risk countries. For instance, in the past five years, CDC has not received any requests to import dogs for research purposes. Furthermore, during the more recent period of the temporary suspension, CDC has not documented any dogs imported for research from DMRVV high-risk countries. The final rule allows for the importation of unvaccinated dogs from DMRVV-free or DMRVV low-risk countries if the dogs have been only in those countries during the six months before arriving in the United States. Therefore, importers seeking to import unvaccinated dogs for research purposes may do so from DMRVV-free or DMRVV low-risk countries. Thus, considering the infrequency with which dogs are imported for research purposes and the availability of dogs from DMRVV-free or DMRVV low-risk countries that can be used for research, HHS/CDC does not believe an exemption for individuals seeking to import dogs for research purposes is needed.

Comment: HHS/CDC received comments that the rule may be detrimental to animal welfare and inhibit rescue organizations' ability to import dogs.

Response: While HHS/CDC acknowledges that the final rule will result in additional requirements for some rescue groups to operate from high-risk countries, these difficulties do not outweigh the benefits to U.S. public health. HHS/CDC believes that, in

addition to protecting public health, the rule will likely better ensure the health of dogs prior to their release into the United States. This helps protect the domestic dog and animal populations, as well as people, from communicable diseases that imported dogs may carry and spread into U.S. communities. There is no clear reason why dogs imported by rescue organizations would be at a lower risk of DMRVV than other dogs from high-risk rabies country. Nothing in the rule prevents rescue dogs from being imported if they meet entry requirements. HHS/CDC further notes that commercial importers and rescue groups were adept at responding to changes in import requirements established during the period of the temporary suspension and that this rule adopts many of those same practices. Accordingly, HHS/CDC believes an exemption is not required.

Comment: HHS/CDC received comments that the proposed requirements for individual pet owners were excessive because there have been few rabid dog importations, and these were all from animal rescue organizations, and that personal pets should be exempt from the importation requirements.

Response: Although the final rule is more burdensome for individuals importing dogs as pets when compared to the current regulation, HHS/CDC believes it is less burdensome when compared to dog importation standards among other WOA member countries. As more countries have strengthened their importation requirements for the international movement of dogs, the requirements in HHS/CDC's final rule remain less cumbersome than what other countries, such as European Union member states, Australia and New Zealand, require for the movement of animals, including for animals merely transiting through such countries. The increased challenges that some pet owners may face when traveling abroad reflects an international effort to reduce the spread of foreign animal diseases associated with the movement of animals and are not solely a result of this final rule.

Further and as noted above, although recent rabid dog importations have been associated with rescue groups, HHS/CDC has determined that the public health risk from dog imports is based primarily on the dog's country of origin and vaccination status (U.S.- vs. foreign-vaccinated), and not the type of importer. HHS/CDC further notes that attempting to distinguish between pet owners and rescue groups would be difficult to enforce and creates opportunities for fraud. In CDC's

experience, as noted above, it is not unusual for importers to misrepresent the reasons why dogs are being imported. As noted above there has been an increase in fraudulent importations and importers misrepresenting that they were the personal owners of the dogs. Such an increase in importers misrepresenting the purpose for which dogs are being imported could increase the risk of a rabid dog being imported and also place importers at risk of exposure to rabies and other zoonotic diseases of concern.

Applying standardized importation requirements for all dogs regardless for the reasons why dogs are being imported (*i.e.*, rescue, resale, personal pet) helps minimize the risk of human exposure to rabies and ensure dogs are adequately protected against rabies. Therefore, HHS/CDC has decided to apply the rule's requirements equally to all importers to ensure imported dogs do not present a public health risk.

D. Comments on Specific Provisions of the Proposed Rule

Definitions

Comment: HHS/CDC received specific comments on the following sections and paragraphs of the proposed rule.

Section 71.50

Paragraph (a)—Definitions.

HHS/CDC received comments on the following definitions:

Authorized Veterinarian

Comment: HHS/CDC received a comment requesting that CDC "define the term 'Authorized Veterinarian' in order to establish a single documentation standard all carriers can follow."

Response: HHS/CDC has finalized the definition for authorized veterinarian that was proposed in the NPRM with minor modifications for clarification. Per the final rule, authorized veterinarian means an individual who has an advance degree relevant to the practice of veterinary medicine, has a valid license or accreditation, and is authorized to practice animal medicine in the exporting country.

DMRVV Low-Risk Countries

Comment: HHS/CDC received a comment that instead of using the terms "low-risk countries" or "rabies-free countries" it should use the terms "countries free of canine rabies" and "countries with low risk of canine rabies."

Response: HHS/CDC appreciates this comment but declines to incorporate the suggested changes. HHS/CDC notes that the commenter's concerns relate solely

to grammar and the commenter has proposed terms conveying the same meaning as those used in the proposed rule. HHS/CDC has chosen the terms DMRVV-free and DMRVV low-risk because HHS/CDC believes these terms are easy to use and likely to be understood by stakeholders.

Importer

Comment: HHS/CDC received comments to define and clarify the term "flight parent."

Response: In the proposed rule, HHS/CDC did not include a definition for "flight parent" but used this term in the preamble to describe a person that transports one or more dogs for the purpose of resale, adoption, or transfer of ownership. The flight parent may be compensated (*e.g.*, provided with a complimentary airplane ticket, baggage fees, or other paid fee) for the transport of the animal or agree to transport the animal as an uncompensated volunteer. CDC added a definition for "flight parent" to the final rule. Per this final rule, if required by CBP or USDA, flight parents transporting animals must have a valid license or registration to transport animals.

Comment: HHS/CDC received a comment stating that friends and family who transport dogs belonging to USG employees should be excepted from the definition of flight parent.

Response: HHS/CDC reiterates that flight parents are limited to those individuals transporting one or more dogs for purposes of resale, adoption, or transfer of ownership. If a friend or family member is transporting a dog for purposes of returning the dog to its owner, who was previously in physical possession of the dog, then the friend or family member would not be considered a flight parent. Alternatively, if the dog's owner in the United States merely purchased a dog from another owner or breeder in a foreign country and never previously physically possessed the animal, then the individual transporting the dog would be considered a flight parent regardless of their relationship to the U.S. owner.

Official Government Veterinarian

Comment: HHS/CDC received questions about how HHS/CDC defines a government veterinarian.

Response: HHS/CDC's definition of an official government veterinarian is outlined in 71.50 and states it is "a veterinarian who performs work on behalf of an exporting country's government and can verify the license or credentials of an Authorized Veterinarian."

Forms

Comment: HHS/CDC received comments on the definitions of *CDC Import Certification of Rabies Vaccination and Microchip Required for Live Dog Importations into the United States* and *Certification of U.S.-issued Rabies Vaccination for Live Dog Re-entry into the United States*.

Response: These comments are addressed below in our replies to paragraph (s) and paragraph (t). HHS/CDC notes that it has shortened the names of these forms in the final rule to *Certification of Rabies Vaccination and Microchip and Certification of U.S.-issued Rabies Vaccination*, respectively.

Importation

Comment: HHS/CDC received a comment that HHS/CDC “needs to better define what conditions they are considering when they are talking about ‘importation’ and what activity they are trying to regulate.” The comment stated that U.S. government personnel bringing a pet dog or cat back to the United States are not “importing” an animal.

Response: HHS/CDC welcomes the opportunity to further explain what it means by “importation” but disagrees that individuals, including U.S. government personnel, bringing dogs or cats into the United States from foreign countries are not “importing” an animal just because the animal is returning to the United States from a foreign country. HHS/CDC considers an importation to occur whenever a dog or cat is entering the United States from a foreign country, regardless of whether the animal was in the United States previously and is seeking to reenter the United States. Through this final rule, HHS/CDC is seeking to regulate the importation of dogs and cats into the United States. Although HHS/CDC acknowledges that pets may have emotional value to their owners, animals are considered to be “goods” (i.e., merchandise or property that can be moved) that are imported into the United States if arriving from foreign countries. Per the definition for importer in this final rule, importer means “any person importing or attempting to import an animal into the United States, including an owner, or a person acting on behalf of an importer, such as a broker registered with CBP or a flight parent. If required by USDA or CBP, an individual transporting an animal on behalf of an importer, including a flight parent must possess all required Federal licenses or registrations to transport animals.” U.S. government personnel bringing dogs or cats into the United States from foreign

countries would be included under this definition of “importer.”

HHS/CDC did not receive comments on the following definitions proposed for 42 CFR 70.50: *cat, dog, histopathology, in-transit shipment, microchip, and necropsy*.

HHS/CDC also did not receive comments on the following definitions proposed for 42 CFR 71.51: *animal, CDC-registered animal care facility, CDC Dog Import Form, conditional release, DMRVV, DMRVV-restricted countries, SAFE TraQ, serologic testing, USDA-accredited veterinarian, or USDA official veterinarian*.

Sections 71.51

Paragraphs (b)—*Authorized U.S. airports for dogs and cats* and (c)—*Authorized U.S. land ports for dogs and cats*;

Comment: HHS/CDC received several comments regarding permissible ports of entry. Some commenters opposed any restrictions on ports of entry for any dog being imported into the United States. Other commenters opposed restrictions only for U.S.-vaccinated dogs, suggesting that these dogs should be able to enter through any U.S. port and/or be able to enter at U.S. land ports. Some comments suggested that entry be allowed for all personal pets at U.S. ports with CDC quarantine stations. Some comments suggested that entry be allowed at all U.S. ports for all dogs, at all U.S. ports for U.S.-vaccinated dogs, for all personal pets at ports with CDC quarantine stations, and for dogs from DMRVV high-risk countries at land-borders.

HHS/CDC also received comments acknowledging the need to limit the number of authorized ports to reduce fraud and provide greater government oversight to adequately regulate dog imports from DMRVV high-risk countries and inspect shipments of dogs on arrival.

Response: HHS/CDC disagrees with comments suggesting that there should be no restrictions on ports of entry for any dogs entering the United States from foreign countries. The port of entry requirements proposed in the NPRM and finalized through this rulemaking safeguard the public’s health by ensuring that adequate staff and facilities are available to provide care for and evaluate foreign-vaccinated dogs from DMRVV high-risk countries for rabies and other diseases that may pose a public health risk. CDC has documented previous instances of dogs not meeting CDC requirements that arrived at U.S. ports that lack adequate facilities to care for and house abandoned dogs or dogs denied entry

into the United States. In other instances, adequate housing facilities and care were arranged only with great difficulty, which potentially endangers the health of both dogs and animal handlers. The port of entry requirements are further designed to reduce the burden on airlines, CBP, state/local health departments, and the local veterinary community by ensuring foreign-vaccinated dogs from DMRVV high-risk countries arrive only at a U.S. port with an ACF.

However, based on comments received and its review of available data, HHS/CDC has revised the requirements proposed in the NPRM regarding imports of U.S.-vaccinated dogs. CDC has a high degree of confidence in the safety and effectiveness of USDA-licensed rabies vaccines administered by U.S. veterinarians within the United States. Therefore, HHS/CDC is revising its proposal to allow dogs from DMRVV high-risk countries that are at least six months old, microchipped, and have a valid Certification of U.S.-issued Rabies Vaccination form and a *CDC Dog Import Form* receipt to re-enter the United States through any U.S. port (by air, land, or sea).

Comment: HHS/CDC received comments that there are too few U.S. ports with ACF for foreign-vaccinated dogs to enter the U.S.

Response: HHS/CDC believes there is an adequate number of ACF currently available for the volume of foreign-vaccinated dog importations into the United States (less than 1% of dogs imported into the United States require quarantine). CDC recognizes that more ACFs would further reduce the burden on travelers, and is working to expand the network of ACF to provide importers with greater flexibility for ports of arrival. ACF are able to receive, examine, vaccinate and release dogs within 1 business day of arrival, most of which are cleared the same day they arrive. Additional ACF would provide importers additional travel flexibility for ports of arrival, and CDC is dedicated to expanding the number of available ACF. CDC worked with USDA, CBP, and local businesses to identify and approve five ACF in 2021 and 2022 as part of the strategic shift towards safer importation controls. HHS/CDC notes that since the publication of the NPRM, it has registered two additional ACF at Los Angeles International Airport and Philadelphia International Airport. As of April 1, 2024, there are seven CDC-registered ACF with a USDA intermediate handlers registration and a FIRMS code issued by CBP. The facilities are located at Atlanta

Hartsfield-Jackson International Airport, John F. Kennedy International Airport (New York), Los Angeles International Airport (2), Miami International Airport, Philadelphia International Airport, and Washington Dulles International Airport (Washington DC Metropolitan Area). The registration of new ACF at additional ports continues to be a priority for HHS/CDC.

Comment: Commenters noted travel with animals in cargo into certain ports of entry can be restricted during times of the year due to extreme temperatures.

Response: HHS/CDC acknowledges that some airlines may restrict dogs flying as cargo into certain ports during different times of the year but notes that this is an airline requirement put in place for the protection and safety of animals and is not a function of this rulemaking process. Transportation restrictions due to extreme temperatures is a component of the Animal Welfare Act which is enforced by USDA APHIS Animal Care. However, HHS/CDC acknowledges that international travel is stressful for animals and can result in illness and death in young or old animals, specialty breeds (*i.e.*, snub-nosed breeds, hairless breeds, etc.), or those with pre-existing medical conditions that cannot compensate for the stresses they undergo during travel, including extreme temperatures. Therefore, HHS/CDC defers to USDA APHIS AC to determine appropriate regulatory requirements for the movement of animals during extreme weather conditions and encourages all air carriers to comply with USDA APHIS AC standards.

Comment: Commenters recommended that HHS/CDC seek greater uniformity among U.S. ports handling dog imports. It was noted that each U.S. port has their own procedure, often with their own “job aid” document requirements, which can be unhelpful and lead to unnecessary confusion. It was suggested by a commenter that HHS/CDC’s requirements should supersede and preclude duplicate data requirements or job aids at U.S. ports.

Response: HHS/CDC appreciates this comment but notes that several Federal agencies have authority over operations at U.S. ports and CDC does not establish procedures for how those agencies conduct their own operations. However, HHS/CDC does work closely with port partners to develop and disseminate standardized documents (*e.g.*, job aids, trainings, presentations) to promote consistency between ports and will continue to do so as the final rule is implemented. For example, during the temporary suspension, CDC worked closely with CBP and airlines to

disseminate standardized job aids nationwide to streamline importation operations at the ports.

Paragraph (e)—Limitation on U.S. ports for dogs and cats.

HHS/CDC received no public comment on this provision of the rule.

Paragraph (f)—Age requirement for all dogs.

Comment: HHS/CDC received comments in support of the six-month age requirement from individuals concerned about animal welfare and from public health and animal health organizations and agencies. HHS/CDC also received numerous comments opposing the six-month age requirement for dogs as too high. Commenters, including representatives of the airline industry, breeders, breed enthusiasts, and trade groups, stated that dogs should be allowed entry at either 12 weeks of age (the earliest age at which dogs can be vaccinated against rabies), or 16 weeks of age (the earliest age at which the vaccine is considered effective), or at any age (if arriving from a DMRVV low-risk or DMRVV-free country).

Response: HHS/CDC agrees that establishing a six-month age requirement for all dogs will assist in protecting public health while simultaneously improving safety and welfare benefits for young animals subjected to stressful travel environments in which their health could be compromised.

HHS/CDC disagrees, however, with comments suggesting that dogs should be admitted into the United States if under six months of age. The purpose of an age requirement in the context of dogs arriving from DMRVV high-risk countries is to ensure (1) that imported dogs are old enough to be vaccinated for rabies; (2) that the vaccination has time to be effective and confer immunity on the dog; (3) that protection is verifiable; and (4) that there is an appropriate waiting period after drawing the titer to ensure the dog does not develop symptoms of rabies. In short, it is not sufficient that a dog be old enough to be vaccinated; there must be sufficient time for immunity to develop, and authorities must be able to verify the immunity. CDC has also documented cases of importers moving dogs too young to be vaccinated effectively from DMRVV high-risk countries to DMRVV-free or DMRVV low-risk countries to avoid rabies vaccination requirements. Therefore, CDC is also requiring that dogs from DMRVV-free or DMRVV low-risk countries be at least six months old to prevent importers from trying to circumvent CDC’s requirements by moving dogs from DMRVV high-risk

countries through DMRVV-free or DMRVV low-risk countries.

The WOAHP established vaccine and titer standards set seven-months as the minimum age for importation of dogs from DMRVV high-risk countries.¹⁵¹ Countries following WOAHP standards do not allow entry of dogs younger than seven months old if following vaccine and titer timeline recommendations. Many rabies vaccines are licensed for use in dogs on or after 12 weeks of age and laboratories suggest titer collection occur 30 days after initial rabies vaccination. WOAHP’s standards call for importation to occur a minimum of 90 days after titer collection (*i.e.*, earliest age for importation is seven months of age).

The final rule departs from the WOAHP standard to provide additional flexibility and less burden to importers without compromising public health goals. HHS/CDC agrees that vaccine administration must follow manufacturer’s guidelines (*i.e.*, with vaccination occurring on or after 12 weeks of age) and a 30-day period between vaccination and titer collection is essential to ensure the animal has developed an adequate antibody response to vaccination. However, based on available scientific evidence,¹⁵² HHS/CDC concluded that a 30-day waiting period (rather than WOAHP’s 90-day waiting period) between titer collection and travel is sufficient for monitoring the dog to ensure it does not develop signs of rabies.

HHS/CDC is also establishing a six-month age requirement for all dogs because it can be difficult for veterinarians to determine with specificity whether a dog has reached the age at which it can be fully protected by the rabies vaccine before six months of age. Veterinarians rely on dental patterns to age dogs. However, it is difficult to accurately assess the age of dogs that are between four and six months old due to variability in an individual dog’s dental eruption patterns (loss of baby teeth).¹⁵³ Dogs lose all their deciduous (baby) teeth by six months of age making it easier to accurately assess the age of a dog. CDC has documented over 1000 cases of

¹⁵¹ WOAHP Terrestrial Manual 2023, chapters 3.1.18 and 8.15.7.

¹⁵² Smith TG, Fooks AR, Moore SM, Freuling CM, Muller T, et al. Negligible risk of rabies importation in dogs thirty days after demonstration of adequate serum antibody titer. *Vaccine* 2021; 39 (18): 2496–2499.

¹⁵³ Roccaro, M., & Peli, A. (2020). Age determination in dog puppies by teeth examination: legal, health and welfare implications, review of the literature and practical considerations. *Veterinaria Italiana*, 56(3), 149–162. <https://doi.org/10.12834/VetIt.1876.9968.2>.

importers providing vaccine records that falsely stated the dog was over six months of age, but upon examination, the dog presented was much younger (often 6–8 weeks of age). Because the rabies vaccine is not considered effective in dogs under 12 weeks of age these puppies were not protected against rabies and presented a threat to the families that purchased or adopted them. By requiring all dogs to be at least six months of age, CDC can better confirm that the dog presented matches the documentation presented, particularly the age listed for the dog, and that the dog is old enough to have been adequately vaccinated for rabies.

The six-month requirement for all dogs also aligns with USDA importation rules, eases enforcement of the vaccination requirements, and reduces opportunities for fraud. USDA requires dogs imported for commercial purposes (e.g., resale, rescue, or adoption) to be at least six months of age. Aligning with USDA requirements for commercial dog imports will help minimize confusion among travelers importing dogs from outside the United States, and among airlines and port partners that enforce HHS/CDC and USDA entry requirements for dogs.

Setting the minimum age for importation below six months would undermine the ability of authorities to ensure dogs are fully, effectively, and verifiably vaccinated. A 12- or 16-week age requirement for importation would require potentially compromising the full 28-day development of immunity and/or risk importation of a rabid dog because screening fully for signs of rabies was not done. Screening for rabies can be difficult in puppies because they can often exhibit dyskinetic or uncoordinated movement as part of their normal growth and development. These awkward movements can also be seen in rabid dogs and may be mistaken in young puppies for normal movement patterns. Contrary to some common misconceptions, puppies are susceptible to rabies and rabies has been diagnosed in young puppies. For these reasons, the final rule sets six months as the appropriate minimum age for dog importation.

Comment: HHS/CDC received comments opposing its proposal to allow importers to import up to three dogs under the age of six months if arriving into the United States from Mexico or Canada, contending that the requirements between land and air should be the same. Some commenters also opposed any limit on the number of dogs under six months of age that an importer could import through U.S.

land ports. Specifically, HHS/CDC received a comment from the airline industry stating that requiring a six-month age limit for all dogs arriving by air, but not for all dogs arriving by land, was neither fair nor equitable. Additionally, commenters noted that allowing dogs under six months of age at the land border potentially created a loophole for importers from DMRVV high-risk countries to exploit.

Response: HHS/CDC agrees that dogs should be subject to the same age requirement regardless of whether arriving by air, land, or sea. Furthermore, HHS/CDC also agrees that allowing some dogs under six months of age to arrive via the land border potentially creates a loophole for unscrupulous importers to exploit. CDC and CBP have documented numerous instances in which importers transported dogs from a DMRVV high-risk country to Mexico (a DMRVV-free country) and who then made claims that their dogs had not been in a DMRVV high-risk country. CDC worked with CBP and airlines and were able to confirm the importers had traveled with the dogs from a DMRVV high-risk country and were attempting to avoid U.S. entry requirements. If CDC were to allow dogs under six months of age to enter via land border crossings, CBP and CDC believe this could create a significant burden on CBP officers at U.S.-Mexico border crossings as more importers would attempt to enter the United States through a land border crossing. This could potentially lead to dogs from DMRVV high-risk countries arriving in the United States via land borders to circumvent HHS/CDC entry requirements. Given that CDC has no ACF at land border crossings this creates a potentially dangerous situation for dogs that must be held pending determination of their admissibility since neither CBP nor CDC have safe housing options at land ports of entry.

HHS/CDC originally proposed a limited exemption for dogs under six months old primarily to reduce the burden on U.S. travelers who frequently travel across the U.S. and Canada/Mexico borders and choose to travel with young dogs. Although data suggests more dogs enter the United States by air each year, extrapolated data from 2006 estimated that 287,000 dogs entered the United States through land border crossings that year.¹⁵⁴ CDC does not have recent data to confirm the volume of dogs crossing at land borders,

but unofficial statements from CBP officers stationed at U.S.-Mexico land border crossings suggest the volume remains high. However, upon further consideration and careful evaluation of the comments received, HHS/CDC has removed the exemption proposed in the NPRM to create a uniform standard for all dogs, ensure U.S.-land borders are not overwhelmed with dog importations, and reduce the risk of importers fraudulently claiming that their dog has not been in DMRVV high-risk country.

HHS/CDC has documented many instances of young dogs under six months of age being routed from DMRVV high-risk countries through DMRVV-free countries, such as Canada or Mexico, to circumvent U.S. entry requirements. To prevent this type of fraud, HHS/CDC believes there is reasonable need to require a standardized age for all dogs, regardless of the purported country of origin or port of entry. Accordingly, HHS/CDC has removed from the final rule the exemption at land borders proposed in the NPRM for an importer to import up to three dogs under six months of age through Canada or Mexico via a U.S. land port if the dog has not been in a DMRVV high-risk country or DMRVV-restricted country since birth.

Comment: There were also comments that a six-month minimum age requirement for all imported dogs could lead to the decline of specialty breeds. Commenters stated that breeders in other countries would not want to house and care for dogs bred for resale for six months due to increased cost. Additional commenters said dogs need to be socialized with their owner prior to six months of age.

Response: HHS/CDC disagrees with these comments. First, USDA prohibits the importation of dogs under six-months of age for commercial purposes, which includes any transfer of ownership; therefore, the comment that breeders need to be able to import dogs under six months of age is invalid because it is already prohibited. CDC's age requirement is aligning with a currently existing regulatory requirement from a partner Federal agency. CDC's requirement is not new and therefore, there is no new or additional burden on commercial dog importations (i.e., dogs imported for rescue, resale, or transfer of ownership). Additionally, CDC notes that a six-month age requirement aligns more closely with WOA requirements for the international movement of dogs and that 67% of DMRVV-free countries require dogs to be at least six months of

¹⁵⁴ McQuiston JH, Wilson T, Harris S, Bacon RM, Shapiro S, et al. Importation of dogs into the United States: risks from rabies and other zoonotic diseases. *Zoonoses and Public Health*; 2008: 1–6.

age for importation.¹⁵⁵ Furthermore, because dogs under six months of age are sexually immature and cannot be used for breeding, delaying their importation will not negatively impact their use as breeding animals.

Second, although the primary public health reason for requiring a six-month age limitation for importation has been described above, HHS/CDC notes that socialization of puppies may be done overseas at the breeding facility or another overseas location such as a kennel or foster family prior to the dogs arriving in the United States. Additionally, the rule will likely better ensure the health of dogs during international travel to the United States, which is stressful for young animals and can result in illness and death. As noted above, the six-month age requirement for importation helps protect the health and safety of all dogs. HHS/CDC further notes that breeders and commercial importers effectively adapted to changing import requirements during the temporary suspension and that this rule adopts many of those same practices.

HHS/CDC further notes that separating puppies from the mother and littermates when they are too young may adversely impact dogs' behavior and socialization.^{156 157} In HHS/CDC's view, separating the puppies from their mothers and littermates has the potential to affect their social and mental development greatly and negatively. In HHS/CDC's view, this risk outweighs the possible associated costs. HHS/CDC has also documented hundreds of cases where puppies under eight weeks of age (who are not yet protected against rabies due to their age) have been imported for resale. Although HHS/CDC acknowledges that some overseas breeders may choose to change their operations based on HHS/CDC's dog import requirements, HHS/CDC believes that the public health benefits of this change outweigh the theoretical possibility of some specialty breeders choosing to import fewer dogs into the United States.

Comment: HHS/CDC received comments that there should be exemptions for service dogs under six months of age or that HHS/CDC should

create an accreditation system for service dogs.

Response: HHS/CDC disagrees with these commenters. To be considered a valid service dog, a dog needs to meet the definition of a "service animal" under 14 CFR 382.3 and be accompanied by an "individual with a disability" as defined under 14 CFR 382.3. Most dogs under six months of age are not yet capable of being trained to work or perform tasks directly related to an individual's disability. Therefore, it is HHS/CDC's determination that the requirement for dogs to be at least six months of age is unlikely to impact importers with service dogs. Additionally, it is not operationally feasible for CDC to provide certification or accreditation of service dogs.

Paragraph (g)—Microchip requirements for all dogs.

Comment: HHS/CDC received comments that microchips are too expensive and that microchips may be difficult to obtain in some low-income countries. Some USG employees also opined that their dogs should be exempt from microchip requirements.

Response: HHS/CDC disagrees with these comments. HHS/CDC notes that microchips are already used and available globally for the international movement of animals. Microchips are required by 86% of DMRVV-free countries for the importation of dogs from DMRVV high-risk countries and microchips are a WOA standard for the international movement of animals.¹⁵⁸ Microchips are recommended by WOA, the international veterinary community, and animal rescue and welfare organizations to reunite lost animals with their owners and ensure the veterinary records for an animal can be linked to the animal.¹⁵⁹ HHS/CDC's rule aligns the United States with international standards and practice.

The microchip requirement will also promote greater confidence in the information recorded on the rabies vaccination records and prevent fraud. CDC has documented several instances of importers attempting to import an unvaccinated dog using the vaccination paperwork for another dog.¹⁶⁰ By requiring microchips, which will be

verified by the ACF during revaccination and examination, CDC can ensure the paperwork for foreign-vaccinated dogs from DMRVV high-risk countries matches the microchip implanted in the dog.

Further, during the period of CDC's temporary suspension of dogs entering the United States from DMRVV high-risk countries, CDC documented that 99 percent of permit applications received were for dogs that had microchips implanted prior to the announcement of the suspension. Microchips are frequently used by pet owners and required for international transit by many foreign countries. Given these existing practices and the ubiquity of microchipping of dogs, the microchip requirement is not likely to impose a burden on importers and would have minimal impact on dog importations.

CDC did not receive specific public comments on when a dog's microchip should be implanted. However, through this final rule, HHS/CDC is clarifying that a dog's microchip must have been implanted on or before the date the current rabies vaccine was administered. Rabies vaccines administered prior to the implantation of a microchip are invalid because without the microchip the identity of the dog that received the rabies vaccine cannot be properly verified. The microchip is required to be able to verify a rabies vaccine was administered to an individual dog.

Comment: One commenter stated microchipping their dog would run counter to their religious beliefs and requested an exemption based on religious grounds.

Response: The Religious Freedom Restoration Act (RFRA), 42 U.S.C 2000bb *et seq.*, provides that the U.S. government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless it demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest. HHS/CDC complies with RFRA where applicable and will make determinations arising under RFRA on a case-by-case basis. If individuals believe they may be entitled to an exemption or accommodation based on religious beliefs under RFRA, they should contact CDC through cdcanimalimports@cdc.gov for additional guidance concerning how to submit their request. Requests for an exemption or accommodation under RFRA must be made 120 days prior to importing a dog into the United States.

¹⁵⁵ Internal CDC data. Accessed January 30, 2024.

¹⁵⁶ McMillan FD. Behavioral and psychological outcomes for dogs sold as puppies through pet stores and/or born in commercial breeding establishments: Current knowledge and putative causes. *Journal of Veterinary Behavior*. 2017; 19: 14–26.

¹⁵⁷ Pierantoni L, Albertini M, Pirrone F. Prevalence of owner-reported behaviors in dogs separated from the litter at two different ages. *Vet Record*. 2011; 169: 468.

¹⁵⁸ Personal communication with C. Williams, CDC. October 24, 2023.

¹⁵⁹ American Veterinary Medical Association. Microchipping FAQ. <https://www.avma.org/resources-tools/pet-owners/petcare/microchips-reunite-pets-families/microchipping-faq>. Accessed June 1, 2023.

¹⁶⁰ Centers for Disease Control and Prevention. Public Health Activity Reporting System (previously the Quarantine Activity Reporting System, version 4.9.8.8.2.2A). Dog importation data, 2018–2020. Accessed: February 15, 2021.

HHS/CDC further wishes to emphasize the importance of microchips. Microchips are a critical component of a dog importation system designed to mitigate occurrences of fraud in dog importations because microchips ensure that veterinary records for a dog can be linked to that specific dog. Microchips are also recommended by WOAAH, the international veterinary community, and animal rescue and welfare organizations to reunite lost animals with their owners.¹⁶¹ HHS/CDC's rule aligns the United States with international standards and practice in regards to microchipping.

Comment: Two comments asked that tattoos be permitted in lieu of microchips, with one comment stating, "Not everyone in the dog industry is comfortable with microchips."

Response: HHS/CDC declines to permit use of tattoos in lieu of microchips because tattoos do not provide the same level of assurance against fraud compared to microchips. Specifically, it would be more difficult for CDC to verify the identity of dogs arriving with tattoos instead of microchips because tattoos can be altered and can fade over time making identification challenging. Altered or indistinguishable tattoos could lead to attempts to falsify or forge vaccine or titer documentation to circumvent U.S. entry requirements. HHS/CDC notes that microchips are already used and available globally for the international movement of animals. Microchips are required by 86% of DMRVV-free countries for the importation of dogs from DMRVV high-risk countries and microchips are a WOAAH standard for the international movement of animals.¹⁶² Furthermore, during the period of CDC's temporary suspension of dogs entering the United States from DMRVV high-risk countries and as noted above, 99 percent of permit applications CDC received were for dogs that had microchips implanted prior to the announcement of the suspension.

Comment: Some commenters expressed concerns that because "the proposed rule does not distinguish between personal and commercially imported dogs, requiring all dogs to be at least six months old, bear a microchip and submit a CDC import form prior to travel" would "dramatically increase[] [CDC's] regulatory volume."

Response: CDC disagrees that it would be unable to handle an increase in regulatory volume based on requirements in the final rule relating to age, microchips, or submission forms, or that this regulatory volume would be alleviated by distinguishing between personally owned and commercially imported dogs. Many of the provisions of this final rule are designed to reduce instances of fraud and improve the ability of Federal agencies including CDC to ensure that dogs meet entry requirements. In particular, the six-month age requirement is designed to reduce instances of importers presenting dogs for import that are too young to be effectively vaccinated against rabies and will make it easier for veterinarians to appropriately age dogs based on dental eruptions. Microchips will reduce CDC's regulatory burden by providing an ability to confirm a dogs' identity. Importers can demonstrate that their dog has a microchip by including the number on their documentation. Importer documentation will be examined by government officials upon entry in the same manner that it was examined prior to this regulatory update. Microchips for foreign-vaccinated dogs from DMRVV high-risk countries will be scanned and confirmed by ACF; therefore, requiring microchips does not create an unmanageable burden on CDC. The final rule further replaces the current requirement for a valid RVC with standardized forms that will make it easier for CDC and CBP to process dogs for entry to the United States because there will be less variability in documentation. Furthermore, distinguishing between dogs imported for commercial reasons and those imported as personal pets would increase rather than decrease CDC's regulatory burden because importers often misrepresent the reasons why dogs are being imported into the United States.

Comment: One commenter stated that "CDC references 'larger shipments' of dogs from importers as an issue not individual dog owners . . . Microchipping would not solve the alleged large shipment problem. It simply moves the problem while imposing additional cost and a new potential failure point. The idea of using trusted vaccination sites is far more workable and would yield higher confidence levels."

Response: HHS/CDC disagrees. CDC will be able to verify the identity and vaccination status of the dogs in large shipments through the use of microchips. Previously, CDC has documented large shipments of dogs

imported with fraudulent paperwork whereby one dog's paperwork was "swapped" with another dog's paperwork. Microchips are the safest and least expensive way to confirm a dog matches the paperwork presented by the importer. CDC is requiring microchips because it helps prevent fraud, particularly for the highest risk category of dogs—foreign-vaccinated dogs from DMRVV high-risk countries. These dogs will have their microchip scanned upon arrival at the ACF. The ACF will then be able to confirm that the scanned microchip number matches the number on the importer's documentation. Furthermore, CDC notes that this final rule does include trusted vaccination sites, which are ACF. ACF are facilities registered with CDC that will be revaccinating all foreign-vaccinated dogs from DMRVV high-risk countries upon entry.

Paragraph (h)—*CDC Dog Import Form for all dogs.*

Comment: Several commenters expressed support for the *CDC Dog Import Form* requirement. Commenters supported CDC improving its ability to track how many dogs enter the United States. Commenters also suggested CDC create a system whereby frequent travelers could login and pre-populate the form to reduce the time spent filling out the form.

Response: HHS/CDC agrees with these comments and believes use of the *CDC Dog Import Form* will improve CDC's ability to track the number of dogs being imported into the United States. HHS/CDC appreciates the suggestion to use a system with login capabilities for frequent travelers. CDC does not have the funding available to establish the suggested system at this time but will work in the future to establish a system that addresses the unique need of frequent travelers.

Comment: HHS/CDC received a number of comments regarding the *CDC Dog Import Form* (OMB approval number 0920–1383, exp 04/30/2027). Commenters requested clarification about the information to be collected, and whether foreign veterinarians will need to verify the form. One comment said the form should not become a requirement until it is available to the public. Another comment stated, "disabled individuals and veterans with US vaccinated service dog canines would be burdened with extra work due to the additional tracking systems." CDC takes this to be referring to the *CDC Dog Import Form*. This commenter also stated, "Citizens in the US will be further burdened with extra work due to the additional tracking systems and . . . Citizens returning to their country are

¹⁶¹ American Veterinary Medical Association. Microchipping FAQ. <https://www.avma.org/resources-tools/pet-owners/petcare/microchips-reunite-pets-families/microchipping-faq>. Accessed June 1, 2023.

¹⁶² Personal communication with C. Williams, CDC. October 24, 2023.

already tracked [and] should not need to submit further tracking data for data collection.” Additional commenters questioned the purpose of the *CDC Dog Import Form* and did not support its use due to cost and burden on importers.

Response: HHS/CDC seeks to clarify several points raised by commenters. The *CDC Dog Import Form* has been available to the public since the publication of the NPRM. It is available on www.reginfo.gov under the information collection review (ICR) number 0920–1383. Importers must submit the *CDC Dog Import Form* prior to travel via an online automated system that is accessible from a smartphone, tablet, or computer. It is free for importers to submit the form; therefore, there is no cost to importers. The form will collect identifying information about the importer, their dog, and the dog’s travel itinerary. Importers will need to upload a photo of their dog as part of the submission. No U.S. government agency is currently collecting this information for all dog importations; therefore, it is not information that is already tracked. Neither veterinarians nor government officials will be asked to complete, verify, or submit any information as part of this form. The form is intended to help CDC capture the number of dogs imported, the locations from which these dogs arrive, and to provide assistance to CBP, USDA, CDC, and State government agencies in conducting contact tracing when there is a public health need. Upon successfully submitting the form, importers will immediately receive an automated receipt for presentation to their airline, if arriving by air, and CBP and the ACF (for foreign-vaccinated dogs from DMRVV high-risk countries), upon arrival at a U.S. port. CBP and the ACF, if applicable, will review and confirm that the information matches the animal presented. HHS/CDC estimates that an importer can complete the form in less than 15 minutes. HHS/CDC believes this new requirement places a small burden on importers and that the benefits of the requirement (the collection of data on all dog importations) outweighs the minimal burden being placed on importers. CDC also disagrees that these measures place an extra or disproportionate burden on disabled individuals and or U.S. veterans traveling with U.S. vaccinated service dogs.

Comment: Some comments asked how the *CDC Dog Import Form* will be reviewed and verified by CDC with some seeming to believe this form would be the same as the *CDC Dog Import Permits* CDC issued during the

temporary suspension or some saying to require the *CDC Dog Import Permit* instead. Some of these comments also questioned whether CDC has the capacity to handle the volume of forms received. Comments from the airline industry asked how airlines would be expected to verify the *CDC Dog Import Form*. Another comment questioned why the “CDC import permit” should be required for U.S.-vaccinated dogs since it is not currently required for U.S.-vaccinated dogs. CDC understood this comment to mean that the commenter confused the *CDC Dog Import Form* with the *CDC Dog Import Permit*.

Response: The *CDC Dog Import Form* is not the same as the *CDC Dog Import Permit* application. CDC will discontinue issuing *CDC Dog Import Permits* when the temporary suspension expires and this final rule goes into effect. In the future, CDC will only issue *CDC Dog Import Permits* for importers of dogs from DMRVV-restricted countries; however, CDC is not including any countries on the DMRVV-restricted list at the time of publication of this final rule. Unlike the *CDC Dog Import Permit*, however, the *CDC Dog Import Form* does not require review by CDC staff prior to the issuance of the auto-generated receipt. CBP will confirm the information on the form upon arrival, along with other documents required for entry. Because the system is automated, the volume of forms submitted will not adversely impact CDC’s workload nor will it impact the time that importers will need to wait for the receipt; whereas issuing *CDC Dog Import Permits* does require CDC staff time and requires importers to await review by CDC before receiving their permit. The wait time for a *CDC Dog Import Permit* can take anywhere from one to eight weeks, particularly if the importer did not submit all required information. CDC is also requiring that all importers use the *CDC Dog Import Submission Form*, including those importing U.S. vaccinated dogs, because the form includes important information such as the importer’s contact information and information related to each dog being imported, and will allow CDC to more easily track the frequency and number of dog imports.

Additionally, CDC will not require that airlines verify information on the form. For example, airlines will not be required to scan dogs’ microchips to ensure the microchip number matches the number listed on the form. Rather, airlines will only be required to confirm that the importer has a *CDC Dog Import Form* receipt and either a *Certification of U.S.-Issued Rabies Vaccination* form, a reservation at an ACF, or

documentation the dog has resided only in a DMRVV-free or DMRVV low-risk country for the six months prior to boarding the dog on the plane.

Comment: One comment said the *CDC Dog Import Form* may infringe on privacy without stopping the reintroduction of rabies. The commenter did not elaborate further on how they believed the *CDC Dog Import Form* may infringe on privacy or why use of this form would not help mitigate the reintroduction of DMRVV into the United States.

Response: Although the commenter did not elaborate on how they believe the *CDC Dog Import Form* may infringe on privacy interests, HHS/CDC does not believe that requiring importers to complete this form will infringe on privacy. CDC notes that it will maintain and use the information collected via the *CDC Dog Import Form* in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and its applicable System of Records Notice.¹⁶³ Personally identifiable information may be used and shared only for lawful purposes, including with authorized personnel of HHS, State and local government agencies, and other cooperating authorities, as authorized by law.

Furthermore, although the commenter did not elaborate on why they believe use of the *CDC Dog Import Form* would not help mitigate the reintroduction of DMRVV into the United States, CDC disagrees that this form will not be useful in preventing the reintroduction of DMRVV. The information that importers will submit to CDC via the *CDC Dog Import Form* will allow CDC to better track the overall number and frequency of dog importations to the United States. This information in turn will help CDC better determine the risk of human exposure incidence to DMRVV from imported dogs, improve CDC’s ability to conduct a contact tracing investigation if a rabid dog were to be imported into the United States, and provide CDC with data about which countries are responsible for importing dogs of public health concern to the United States. This information will further help CDC assess the DMRVV risk to the United States based on the level of DMRVV present in each country and the number of importations from DMRVV countries.

Comment: HHS/CDC received comments that the *CDC Import Certificate* should be certified by an official veterinarian. HHS/CDC interprets this to mean the *Certification*

¹⁶³ HHS System of Records Notice (SORN) 09–20–0171. <https://www.hhs.gov/foia/privacy/sorns/09200171/index.html>.

of Foreign Rabies Vaccination and Microchip form.

Response: HHS/CDC agrees with this comment. HHS/CDC is implementing requirements in this final rule that veterinary documentation be certified by official government veterinarians in order to reduce the use of fraudulent documentation by importers. Official government veterinarians are able to certify that an accredited veterinarian is authorized to practice veterinary medicine in the exporting country. Additionally, engaging foreign government official veterinarians in the exportation process of an animal provides a pathway to communicate with a foreign government when cases of fraud are detected by CDC. Currently, there is no recourse or follow-up that a foreign government can perform when CDC identifies fraudulent paperwork because CDC does not require foreign governments to certify the paperwork prior to export. Official government veterinarians currently review and certify dog exportation paperwork for most other countries in the world, but the United States does not have this requirement. The final rule will align the United States requirements more closely with other countries that already require official government certification of export documentation in order to prevent fraud and provide an official pathway to engage with foreign government officials when cases of fraud are detected.

Comment: HHS/CDC received comments from foreign government representatives requesting that the *CDC Dog Import Form* not require involvement from a licensed veterinarian or from an official government veterinarian.

Response: HHS/CDC agrees with these comments and does not think it is necessary to have this form certified by a veterinarian because a purpose of this form is to collect data on the number of dogs arriving into the United States and the proportion arriving from DMRVV high-risk countries which is something the U.S. government was previously unable to do. The form is administrative in nature and does not capture medical information about the dog; therefore, a veterinarian does not need to certify the form.

Comment: One comment stated it is illogical to require the *CDC Dog Import Form* for importations at the land borders and the commenter questioned the intended purpose of the form.

Response: HHS/CDC disagrees. The information that importers will submit to CDC via the *CDC Dog Import Form* will help CDC prevent the reintroduction of rabies. It allows CDC

to track all dog importations, including those arriving at U.S. land ports, which helps CDC better determine the risk of human exposure incidence to DMRVV from imported dogs. It will allow CDC to better conduct contact tracing if a rabid dog were to be imported into the United States. It would also provide data to CDC about the countries from which dogs are being imported. This information helps CDC assess the DMRVV risk to the United States based on the level of DMRVV present in each country and the number of importations from DMRVV countries.

Paragraph (i)—Inspection requirements for admission of all dogs and cats.

Comment: HHS/CDC received comments that a health certificate or certificate of veterinary inspection (CVI) should be required in addition to rabies vaccine documentation because this is a basic protection adopted by other countries. A health certificate or CVI is a document used by some foreign countries for the export of animals from those countries.

Response: HHS/CDC declines to accept this suggestion. Although health certificates can contain valuable information regarding the dog's health status, health certificates often do not contain all the necessary information that would allow HHS/CDC to confirm valid rabies vaccination. Therefore, HHS/CDC has adopted its own documentation requirements for this final rule.

Comment: Commenters also noted that EU pet passports should be accepted or that CDC should create a passport that is compatible with or comparable to the EU pet passport.

Response: HHS/CDC declines to accept these suggestions. CDC has documented numerous instances of importers using falsified or fraudulent EU pet passports. EU pet passports are not certified by official government veterinarians. HHS/CDC is implementing requirements in this final rule that veterinary documentation be certified by official government veterinarians in order to reduce the use of fraudulent documentation by importers. Official government veterinarians are able to certify that an accredited veterinarian is authorized to practice veterinary medicine in the exporting country. Additionally, engaging foreign government official veterinarians in the exportation process of an animal provides a pathway to communicate with a foreign government when cases of fraud are detected by CDC. Currently, there is no recourse or follow-up that a foreign government can perform when CDC identifies fraudulent

paperwork because CDC does not require foreign governments to certify the paperwork prior to export. Official government veterinarians currently review and certify dog exportation paperwork for most other countries in the world, but the United States does not have this requirement. The final rule will align the United States requirements more closely with other countries that already require official government certification of export documentation in order to prevent fraud and provide an official pathway to engage with foreign government officials when cases of fraud are detected.

Comment: HHS/CDC received comments that dogs and cats should have the same vaccination and entry requirements or that cats should have to be vaccinated for rabies to enter the United States. HHS/CDC also received comments asking that HHS/CDC not render it harder to import cats and exempt various groups (*e.g.*, military members and Foreign Service Officers) from the requirements for cats to be imported into the United States. Additional comments asked to clarify what the requirements are for cats or if there were proposed updates to cat requirements in the NPRM.

Response: HHS/CDC would like to clarify that this final rule does not substantively update requirements to import a cat into the United States. The NPRM did not propose, nor is this final rule establishing, vaccination requirements for importing cats into the United States. Although HHS/CDC recommends that cats be vaccinated against rabies prior to importation because cats can acquire rabies from other animals (*i.e.*, be an incidental host of the virus), this final rule does not require vaccination of cats because cats are not considered a reservoir of rabies. Additionally, HHS/CDC has never documented a report of an imported rabid cat. This final rule is updating the requirements for the care and transport of cats that appear unhealthy upon arrival, by requiring that any ill cat undergo a veterinary examination immediately upon arrival to ensure it receives timely care, and that CDC is notified of any potential zoonotic diseases that could be transmitted to people. The final rule is also updating requirements for necropsy of cats that arrive dead in order to determine the cause of death and ensure CDC is notified of any potential zoonotic diseases that could be transmitted to people. Because the final rule is not imposing new requirements to import cats, no exemption, including for specific groups such as military

members and Foreign Service Officers, is not needed.

Paragraph (j)—*Examination by a USDA-Accredited Veterinarian and confinement of exposed dogs and cats or those that appear unhealthy.*

HHS/CDC received no public comment on this paragraph of the proposed rule.

Paragraph (k)—*Veterinary examination, revaccination against rabies, and quarantine at a CDC-registered Animal Care Facility for foreign-vaccinated dogs from DMRVV high-risk countries.*

Comment: Many State and local public health and animal health agencies expressed support for requiring veterinary examination, revaccination, and quarantine (if needed) of dogs on arrival to reduce the burden on these agencies. These commenters also noted that these practices would also reduce the public health risk that imported dogs pose to U.S. communities, domestic pets, and wildlife and would improve the government's ability to identify dogs with diseases or external parasites *before* they enter the United States.

Response: HHS/CDC agrees with the commenters regarding the public health benefit of these provisions in preventing rabies as well as additional zoonotic diseases. In drafting this final rule, HHS/CDC recognized that there is limited value in reviewing paperwork alone because physical inspection of animals in combination with a review of paperwork submitted by importers has a greater likelihood of allowing CDC to detect both fraudulent paperwork and communicable diseases of concern in dogs.

Comment: HHS/CDC received comments objecting to the revaccination requirements for foreign-vaccinated dogs from DMRVV high-risk countries because the dogs have already been vaccinated overseas.

Response: HHS/CDC disagrees with these comments. There is a high degree of variability in the quality and efficacy of rabies vaccines produced in some countries.^{164 165} Therefore, re-vaccination with a high-quality USDA-licensed vaccine is necessary to ensure adequate protection against rabies. CDC has also documented instances in

DMRVV high-risk countries in which rabies vaccines have been improperly administered.¹⁶⁶ USDA-licensed rabies vaccines undergo rigorous testing to ensure they are safe and effective. Requiring a rabies booster vaccine on arrival ensures dogs are adequately protected against rabies and do not pose a public health risk.

Comment: Some commenters expressed concerns regarding revaccinating dogs upon arrival that were already vaccinated overseas and the impact of multiple rabies vaccines on dogs' health.

Response: HHS/CDC appreciates these concerns but finds them unwarranted because revaccinating a dog with a USDA-licensed rabies vaccine upon arrival in the United States is not likely to result in an adverse vaccine event. A 2023 review of more than 4.5 million veterinary records for dogs vaccinated in the United States found adverse rabies vaccine reactions occurred in less than 0.25% of dogs.¹⁶⁷ Furthermore, studies have noted dogs that did experience adverse vaccine reactions were more likely to do so when multiple vaccines (four or more) were administered concurrently.^{168 169} CDC is only requiring the administration of a single rabies vaccine upon arrival.

The results of this study demonstrate that the benefits of rabies vaccination continue to outweigh the risks. CDC rabies subject matter experts receive reports of dogs infected with wildlife rabies virus variants each year corresponding to an annual rate of rabies infections acquired domestically of about four cases per one million unvaccinated dogs.¹⁷⁰ If no U.S. dogs were vaccinated and the rate of infection observed in the unvaccinated U.S. dog population was applied to the

entire U.S. dog population (85 million dogs), HHS/CDC can estimate the number of rabies infections averted through vaccination. Thus, these vaccinations are estimated to prevent nearly 300 dogs from developing rabies virus infection each year. This compares very favorably to the reported number of annual severe adverse events (60 per year). On average, CDC subject matter experts estimate that each dog infection would be associated with 2.2 human exposures. As a result, HHS/CDC estimates that dog rabies vaccination prevents more than \$3 million in healthcare-associated costs for rabies PEP each year. High rabies vaccination coverage also reduces the risk that dog owners may die in the event of an exposure to their infected dogs. The United States spent several decades and hundreds of millions of dollars to eliminate the circulation of rabies in U.S. dogs. Maintaining a high level of herd immunity prevents rabies from becoming reestablished in U.S. dog populations, which if it were to occur, would result in far more dog and human deaths from rabies.¹⁷¹ HHS/CDC believes vaccination against rabies is unlikely to pose a significant risk to the dog's health and requiring vaccination would result in the significant public health benefits outlined above.

Comment: HHS/CDC received comments objecting to the titer requirements for foreign-vaccinated dogs from DMRVV high-risk countries on the basis that only a rabies vaccine should be sufficient for entry into the United States. Some comments asked why CDC does not trust vaccines from other countries.

Response: HHS/CDC disagrees with these comments. WOA and the international community have long recognized vaccination paperwork alone is not sufficient to ensure a dog is adequately vaccinated against rabies. There is a high degree of variability in the quality and efficacy of rabies vaccines produced in some countries.^{172 173 174} Therefore, re-

¹⁶⁶ Whitehill F, Bonaparte S, Hartloge C, et al. Rabies in a Dog Imported from Azerbaijan—Pennsylvania, 2021. *MMWR Morb Mortal Wkly Rep* 2022; 71: 686–689.

¹⁶⁷ Moore GE, Morrison J, Saito EK, Spofford N, & Yang M. Breed, smaller weight, and multiple injections are associated with increased adverse event reports within three days following canine vaccine administration. *Journal of the American Veterinary Medical Association*, 2023; 261(11), 1653–1659.

¹⁶⁸ Frana TS, Clough NE, Gatewood DM, Rupprecht CE. Postmarketing surveillance of rabies vaccines for dogs to evaluate safety and efficacy. *JAVMA* 2008; 232:1000–1002.

¹⁶⁹ Moore GE, Morrison J, Saito EK, Spofford N, & Yang M. Breed, smaller weight, and multiple injections are associated with increased adverse event reports within three days following canine vaccine administration. *Journal of the American Veterinary Medical Association*, 2023; 261(11), 1653–1659.

¹⁷⁰ Huang P. Vaccine hesitancy affects dog-owners, too, with many questioning the rabies shot. October 11, 2023. Available at: www.npr.org/sections/health-shots/2023/10/11/1205016558/canine-vaccine-hesitancy-dogs-rabies.

¹⁷¹ Huang P. Vaccine hesitancy affects dog-owners, too, with many questioning the rabies shot. October 11, 2023. Available at: www.npr.org/sections/health-shots/2023/10/11/1205016558/canine-vaccine-hesitancy-dogs-rabies.

¹⁷² Hu RL, Fooks AR, Zhang SF, Liu Y, Zhang F. Inferior rabies vaccine quality and low immunization coverage in dogs in China. *Epidemiol Infect* 2008;136: 1556–1563.

¹⁷³ Rathnadiwakara H, Gunatilake M, Servat A, Wasniewski M, Thibault JC, Cliquet F. Potency of Veterinary Rabies Vaccines Marketed in Sri Lanka. *Vaccines (Basel)*. 2023 May 9;11(5):961. Doi: 10.3390/vaccines11050961. PMID: 37243065; PMID: PMC10222363.

¹⁷⁴ Rathnadiwakara H, Gunatilake M, Servat A, Wasniewski M, Thibault JC, Cliquet F. Potency of

¹⁶⁴ Hu RL, Fooks AR, Zhang SF, Liu Y, Zhang F. Inferior rabies vaccine quality and low immunization coverage in dogs in China. *Epidemiol Infect* 2008;136: 1556–1563.

¹⁶⁵ Rathnadiwakara H, Gunatilake M, Servat A, Wasniewski M, Thibault JC, Cliquet F. Potency of Veterinary Rabies Vaccines Marketed in Sri Lanka. *Vaccines (Basel)*. 2023 May 9;11(5):961. Doi: 10.3390/vaccines11050961. PMID: 37243065; PMID: PMC10222363.

vaccination with a high-quality USDA-licensed vaccine is necessary to ensure adequate protection against rabies. CDC has also documented instances in DMRVV high-risk countries in which rabies vaccines have been improperly administered.¹⁷⁵ A titer provides supportive evidence that a dog has been adequately vaccinated against rabies. Rabies vaccination documentation can also be falsified. Requiring a titer in addition to rabies vaccination documentation makes it more difficult for importers to falsify documents.

Titers or quarantine are the WOAHP recommended importation standards that should be implemented for dogs arriving from DMRVV high-risk countries. HHS/CDC has provided alternative entry pathways through an ACF with a 28-day quarantine if an importer is unable or unwilling to receive a titer prior to arriving in the United States.

Comment: HHS/CDC received comments objecting to the requirement for dogs with titers to go to an ACF because titers demonstrate the presence of rabies antibodies in dogs and that should be sufficient for entry. The comments stated that requiring these dogs to be revaccinated and examined at ACF is unnecessary.

Response: HHS/CDC disagrees with these comments. As noted above, there is a high degree of variability in the quality and efficacy of rabies vaccines produced in some countries,^{176 177} as well as evidence that some rabies vaccines administered in DMRVV high-risk countries contain an additive that may cause an initial robust immune response that quickly wanes and provides no protection against an exposure to the rabies virus.¹⁷⁸ This can result in titer test results falsely demonstrating adequate antibodies for rabies. Additionally, elevated (or passing) titers suggest an animal has either been vaccinated against rabies or

could be infected with the rabies virus. Re-vaccination with a high-quality USDA-licensed vaccine provided at an ACF is necessary to ensure adequate protection against rabies. USDA-licensed rabies vaccines undergo rigorous testing to ensure they are safe and effective. Requiring a rabies booster on arrival ensures dogs are adequately protected against rabies and do not pose a public health risk.

Although not a primary reason for this final rule, it is also important for CDC-registered ACF to examine animals on arrival to ensure sick animals are not released into U.S. communities. During the period of the temporary suspension, CDC and ACF detected or ruled out numerous cases of dogs with foreign ticks, leishmaniasis, brucellosis, canine influenza, or COVID-19 through physical examination and testing prior to clearing an animal for entry into the United States.^{179 180} Prior to the establishment of ACF and the requirement for dogs to undergo physical examination upon arrival, State health departments detected these diseases, as well as rabies, only after dogs had been released into U.S. communities. Examination of the highest-risk category of dog imports—foreign-vaccinated dogs from DMRVV high-risk countries—on arrival by a network of ACF helps reduce the risk of ill or rabid dogs entering U.S. communities. While this rule primarily addresses the importation of rabies into the United States, the ability to safely house and care for animals while they undergo screening for other zoonotic diseases is an additional benefit and further protects public health in the United States.

Comment: HHS/CDC received comments objecting to dogs undergoing quarantine even when there is a rabies vaccination document.

Response: HHS/CDC disagrees with these comments. WOAHP and the international community have long recognized vaccination paperwork alone is not sufficient to ensure a dog is adequately vaccinated against rabies due to the high frequency of falsified documents. There is a high degree of variability in the quality and efficacy of rabies vaccines produced in some

countries.^{181 182} Therefore, documentation of a rabies vaccine alone is not sufficient to ensure a dog is adequately protected from rabies. According to WOAHP, adequate titer or a sufficient period of quarantine are the importation standards that should be implemented for dogs arriving from DMRVV high-risk countries. HHS/CDC has provided both options to importers depending on an importer's preference, logistical considerations, and feasibility. Importers may provide either proof of an adequate titer or undergo quarantine at an ACF to meet U.S. entry requirements.

Foreign-vaccinated dogs arriving from DMRVV high-risk countries must undergo revaccination and, for dogs without a titer result from a CDC-approved laboratory, a quarantine period of 28 days. This quarantine period allows CDC to be confident the dog is not incubating rabies. Dogs that have been exposed to rabies and are subsequently vaccinated will either (1) adequately respond to vaccination and develop sufficient antibodies to prevent clinical infection and death; or (2) succumb to the virus within an accelerated timeframe (<28 days). Quarantining dogs ensures that if a dog is going to develop rabies and die, it will do so in an environment where no other animals are exposed, and where it is cared for by only a limited number of people who are trained to wear personal protective equipment and administer veterinary care as needed.

Comment: HHS/CDC received comments that unvaccinated dogs should be quarantined or vaccinated only upon arrival or that HHS/CDC should not require dogs to be vaccinated overseas if they have to undergo vaccination and/or quarantine upon arrival.

Response: HHS/CDC disagrees with these comments. It is critical that dogs from DMRVV high-risk countries be vaccinated overseas prior to their arrival in the United States to prevent the reintroduction of rabies into the United States and help prevent people and animals from being exposed to rabid dogs in transit and upon arrival. Additionally, HHS/CDC notes that if dogs were not vaccinated prior to arrival, then every dog from a DMRVV

Veterinary Rabies Vaccines Marketed in Sri Lanka. *Vaccines (Basel)*. 2023 May 9;11(5).

¹⁷⁵ Whitehill F, Bonaparte S, Hartloge C, et al. Rabies in a Dog Imported from Azerbaijan-Pennsylvania, 2021. *MMWR Morb Mortal Wkly Rep* 2022; 71: 686–689.

¹⁷⁶ Hu RL, Fooks AR, Zhang SF, Liu Y, Zhang F. Inferior rabies vaccine quality and low immunization coverage in dogs in China. *Epidemiol Infect* 2008;136: 1556–1563.

¹⁷⁷ Rathnadiwakara H, Gunatilake M, Servat A, Wasniewski M, Thibault JC, Cliquet F. Potency of Veterinary Rabies Vaccines Marketed in Sri Lanka. *Vaccines (Basel)*. 2023 May 9;11(5):961. Doi: 10.3390/vaccines11050961. PMID: 37243065; PMCID: PMC10222363.

¹⁷⁸ Rathnadiwakara H, Gunatilake M, Servat A, Wasniewski M, Thibault JC, Cliquet F. Potency of Veterinary Rabies Vaccines Marketed in Sri Lanka. *Vaccines (Basel)*. 2023 May 9;11(5):961. Doi: 10.3390/vaccines11050961. PMID: 37243065; PMCID: PMC10222363.

¹⁷⁹ Williams C, Swisher S, Miller N, Pinn-Woodcock T, Austin C, et al. Human exposures to *Brucella canis* from a pregnant dog imported during an international flight: Public health risks, diagnostics challenges and future considerations. *Zoonoses and Public Health* 2024; 00:1–13 DOI: 10.1111/zph.13121.

¹⁸⁰ Centers for Disease Control and Prevention. System for Animal Facility Electronic Tracking of Quarantine (SAFE TraQ) dog import surveillance data. 2023–2024. Accessed 26 March 2024.

¹⁸¹ Hu RL, Fooks AR, Zhang SF, Liu Y, Zhang F. Inferior rabies vaccine quality and low immunization coverage in dogs in China. *Epidemiol Infect* 2008;136: 1556–1563.

¹⁸² Rathnadiwakara H, Gunatilake M, Servat A, Wasniewski M, Thibault JC, Cliquet F. Potency of Veterinary Rabies Vaccines Marketed in Sri Lanka. *Vaccines (Basel)*. 2023 May 9;11(5):961. Doi: 10.3390/vaccines11050961. PMID: 37243065; PMCID: PMC10222363.

high-risk country would be required to undergo a 28-day quarantine. The cost to quarantine these dogs for 28 days on arrival would be a financial burden on importers. There is also limited space available for quarantine at the AFC, making this option unfeasible for many importers. HHS/CDC notes that the titer requirement combined with revaccination upon arrival would serve a similar purpose at a fraction of the cost for importers.

Comment: Some commenters said that HHS/CDC should not ban dogs and cats from being imported into the U.S. and instead allow quarantine and vaccination upon arrival.

Response: First, HHS/CDC would like to clarify it is not banning the importation of dogs and cats. Second, as mentioned above, to require quarantine for all dogs from DMRVV high-risk countries would increase costs for most importers. It is significantly less expensive for importers to have their dogs vaccinated prior to travel and provide rabies documentation and titer results, if applicable, for entry into the United States compared to quarantining their dogs upon arrival.

Comment: HHS/CDC received comments that in lieu of revaccination, examination, and quarantine (if required) at an ACF for foreign-vaccinated dogs from DMRVV high-risk countries, HHS/CDC should continue to issue the *CDC Dog Import Permits*, which were issued during the temporary suspension. HHS/CDC also received comments that in lieu of requiring that dogs go to an ACF, HHS/CDC should allow home quarantine and verify revaccination through compliance checks after a dog has been cleared for entry and released into the community.

Response: HHS/CDC disagrees. ACF visits are critical because physical examinations by a veterinarian who can identify signs of rabies in dogs and verify the microchip matches all rabies vaccination and titer paperwork presented for the dog have a greater public health benefit than review of paper-based forms or records (such as the permit system HHS/CDC used during the temporary suspension) that can be fraudulent or falsified. Home quarantine and verification of revaccination through random compliance checks also does not ensure that dogs have been physically examined by a veterinarian prior to their release into U.S. communities. HHS/CDC would also have to rely on states and localities to follow-up with home-quarantined dogs. Prior to 2018, HHS/CDC allowed home quarantine of dogs through the issuance of confinement

agreements;¹⁸³ however, this practice proved to be too burdensome for the states and localities. Therefore, HHS/CDC did not propose this option in the NPRM due to poor feasibility.

Because of the above-listed reasons, foreign-vaccinated dogs arriving from DMRVV high-risk countries must undergo revaccination and, for dogs without a titer result from a CDC-approved laboratory, a quarantine period of 28 days. This quarantine period allows HHS/CDC to be confident the dog is not incubating rabies. As discussed above, dogs that have been exposed to rabies and are subsequently vaccinated will either (1) adequately respond to vaccination and develop sufficient antibodies to prevent clinical infection and death; or (2) succumb to the virus within an accelerated timeframe (<28 days). Quarantining dogs ensures that if a dog is going to develop rabies and die, it will do so in an environment where no other animals are exposed, and where it is surrounded only by a limited number of people who are trained to wear personal protective equipment and administer veterinary care as needed.

Comment: HHS/CDC received comments that there are too few ACF and that ACF are too expensive. Some of these comments expressed concern about ACF's ability to accommodate all foreign-vaccinated dogs from DMRVV high-risk countries while other comments said the limited number of ACF places a burden on importers who are forced to arrive into the United States at a port with an ACF.

Response: HHS/CDC appreciates this comment and notes that it has registered two additional ACF since the publication of the proposed rule. The registration of new ACF at additional ports continues to be a priority for CDC; however, CDC believes there is an adequate number of ACF currently available to handle the volume of dogs being imported. CDC is making efforts to expand the network of CDC-registered ACF to additional ports of entry in order to provide greater flexibility for importers arriving from DMRVV high-risk countries with foreign-vaccinated dogs. CDC notes that the agency does not set prices charged by an ACF, which are privately owned and operated. Additionally, based on data during the temporary suspension, the vast majority of importers of foreign-vaccinated dogs from DMRVV high-risk countries chose to submit titer results in lieu of having their dogs complete a 28-day

quarantine. These dogs were usually examined, re-vaccinated and released back to the owner the same day they arrived in the United States. The cost to importers of these dogs is significantly less than for dogs without titer results, which require quarantine. Only a small percentage (<3%) of importers are required to pay the highest cost of quarantine for 28 days.

Comment: HHS/CDC received comments requesting that HHS/CDC consider allowing a single titer for the lifetime of an animal instead of annual titers, and to consider new technologies that might be available in the future. HHS/CDC also received comments that the titer takes too long, is too expensive, or that it is difficult to ship blood samples from countries that do not have a CDC-approved laboratory.

Response: HHS/CDC notes that, as proposed in the NPRM, prior to granting a reservation, an ACF must ensure they have received serologic test results obtained from a CDC-approved laboratory on a blood sample collected in accordance with *CDC's technical instructions* (if applicable); otherwise, the dog will be required to quarantine for 28 days upon revaccination at an ACF. HHS/CDC intends to provide additional information relating to titers through technical instruction posted on CDC's website. HHS/CDC's current intent is to align the frequency of titer testing and waiting periods between the time of titer collection and date of importation with the most recent peer-reviewed literature, WOA guidelines, and input from CDC rabies subject matter experts. During the temporary suspension, CDC has required titers to be drawn 45 days to 365 days prior to importation; however, CDC will periodically review its titer requirements and provide updates through technical instructions as needed and consistent with the best scientific practices.

Although no public comments were received, HHS/CDC is clarifying that suspected or confirmed communicable diseases need only be reported to CDC and not to other public health entities. Additional notification of Federal, State, and local public health partners will be done by CDC.

CDC is updating the name of this paragraph to reflect all the required components of the paragraph. However, the requirements within the paragraph have not changed.

Paragraph (1)—*Registration or renewal of CDC-registered Animal Care Facilities.*

HHS/CDC received no public comment on this paragraph of the proposed rule. However, HHS/CDC will

¹⁸³ CDC. Issuance and Enforcement Guidance for Dog Confinement Agreements. 79 FR 39403 (July 10, 2014): 39403–39406.

be amending this provision of the final rule to require that an ACF be located within 35 miles of a CDC quarantine station. Although the NPRM did not propose that an ACF be located within a certain distance from a CDC quarantine station, HHS/CDC is confident that the public could infer that HHS/CDC would consider physical location, distance, and travel times when deciding to register a facility as an ACF. As explained extensively throughout the preamble to the NPRM (88 FR 43992) the rule is intended, in part, to address the difficulty that airlines encountered finding appropriate housing for dogs denied admission and the lack of facilities that maintain an active CBP FIRMS code. If an animal arriving at an airport is sick or injured, it will also need to be transported to an ACF which must, therefore, be located within a reasonable distance from the airport to ensure the animal's health and safety as well as the safety of transport personnel. Accordingly, it is reasonable for the public to have inferred that HHS/CDC would only approve and register facilities as an ACF that were located within a reasonable distance from an airport where a CDC quarantine station was located. HHS/CDC further notes that the 35-mile distance requirement for an ACF aligns with CBP's Bonded Warehouse Manual¹⁸⁴ and ensures inspection of animals at the facility can occur in a timely manner when the ACF requests assistance from CDC.

HHS/CDC also takes this opportunity to clarify that in its inspections, an ACF will be guided by the standards published by the Association of Shelter Veterinarians' Guidelines for Standards of Care in Animal Shelters.¹⁸⁵ These guidelines provide standards applicable to all personnel caring for shelter animals in a variety of settings, including foster-based organizations, nonprofit humane societies, municipal animal services facilities, and sanctuaries. These guidelines are also applicable to any other organization that routinely cares for populations of mobile companion animals with unknown medical histories and possible exposures to unknown pathogens. HHS/CDC notes that the NPRM explained that facilities applying for registration as an ACF would be subject to inspection by CDC at least annually and required to renew their registration every two

years (88 FR 43994). HHS/CDC further explained that animal health records, facilities, vehicles, or equipment to be used in receiving, examining, and processing imported animals would also be subject to inspection, *see id.* Accordingly, HHS/CDC believes that the public was reasonably apprised that CDC would be conducting inspections of facilities seeking to register as ACF and, by necessity, these inspections would need to be guided by the industry standard for facilities that care for populations of mobile companion animals.

Paragraph (m)—Record-keeping requirements at CDC-registered Animal Care Facilities.

HHS/CDC received no public comment on this section of the rule; however, HHS/CDC is clarifying that records for necropsy results should be uploaded into SAFE TraQ within 30 days of an animal's death.

Paragraph (n)—Worker protection plan and personal protective equipment (PPE).

HHS/CDC received no public comment on this paragraph of the proposed rule. HHS/CDC is noting that procedures for reporting suspected or confirmed communicable diseases associated with handling animals in facility workers must be reported to CDC within 48 hours. This requirement was included in the NPRM in proposed paragraph (q) and has been moved to paragraph (n) for clarity.

Paragraph (o)—CDC-registered Animal Care Facility standard operating procedures, requirements, and equipment standards for crating, caging, and transporting live animals.

HHS/CDC received no public comment on this paragraph of the proposed rule.

Paragraph (p)—Health reporting and veterinary service requirements for animals at CDC-registered Animal Care Facilities.

Comment: HHS/CDC received a comment from a veterinary professional organization stating, "if the animal requires veterinary care prior to export to its country of origin, the organization supports an exception if the animal is taken directly to a veterinary facility for treatment with appropriate quarantine."

Response: HHS/CDC seeks to clarify that this is the current standard of care and HHS/CDC has no intent to change this current practice. Although protecting the public's health is CDC's chief priority, CDC takes reasonable steps to ensure the health and safety of ill or injured animals and will continue to work with airlines, the animal transportation industry, and port partners so that ill or injured animals

arriving in the United States receive veterinary care in a timely manner. Further, HHS/CDC does not require the return of ill or injured animals to the country of departure until such animals are deemed fit to travel if that action would be in violation of USDA's Animal Welfare Act.

Additionally, although HHS/CDC did not receive public comment on this issue, HHS/CDC is clarifying that if an animal is suspected of having a communicable disease, it must be immediately isolated and CDC-registered Animal Care Facilities must implement infection prevention and control measures in accordance with industry standards and CDC technical instructions.

Although no public comments were received, HHS/CDC is clarifying that suspected or confirmed communicable diseases need only be reported to CDC and not to other public health entities. Additional notification of Federal, State, and local public health partners will be done by CDC.

HHS/CDC notes the paragraph name has been modified to reflect all the required components of the paragraph. However, the requirements within the paragraph have not changed.

Paragraph (q)—Quarantine requirements for animals at CDC-registered Animal Care Facilities.

HHS/CDC received no public comment on this paragraph of the proposed rule. However, HHS/CDC is clarifying that although implicit in its use of the term "quarantine" that quarantined animals must be housed in such a manner that they do not expose other quarantined animals. Additionally, animals in quarantine may not be housed together even if they were transported as part of the same shipment. This clarification is considered a veterinary industry standard of care.

Paragraph (r)—Revocation and reinstatement of a CDC-registered Animal Care Facility's registration.

HHS/CDC received no public comment on this paragraph of the proposed rule.

Paragraph (s)—Requirement for the CDC Import Certification of Rabies Vaccination and Microchip Required for Live Dog Importations into the United States form to import foreign-vaccinated dogs from DMRVV high-risk countries.

Comment: HHS/CDC received comments that importers should not be required to have an official government veterinarian certify rabies vaccination forms prior to travel.

Response: HHS/CDC disagrees with these comments. HHS/CDC has documented numerous instances of

¹⁸⁴ Bonded Warehouse Manual for CBP Officers and Bonded Warehouse Proprietors. Available at: www.cbp.gov/document/guidance/bonded-warehouse-manual-cbp-officers-and-bonded-warehouse-proprietors.

¹⁸⁵ Guidelines for Standards of Care in Animal Shelters. Available at: www.sheltervet.org/resources/guidelines-for-standards-of-care.

importers who falsify vaccination documents with the names of persons who are not authorized to practice veterinary medicine within their countries or who alter the vaccine records of animals unbeknownst to the veterinarian. Official government veterinarians are able to certify a veterinarian's authorization to practice veterinary medicine and can help detect cases of fraud before an animal is shipped to the United States. Additionally, engaging foreign government official veterinarians in the exportation process of an animal provides a pathway to communicate with a foreign government when cases of fraud are detected by CDC. Currently, there is no recourse or follow-up that a foreign government can perform when CDC identifies fraudulent paperwork because CDC does not require foreign governments to certify the paperwork prior to export. Official government veterinarians currently review and certify dog exportation paperwork for most other countries in the world, but the United States does not have this requirement. The final rule will align the United States' requirements more closely with other countries that already require official government certification of export documentation to prevent fraud and provide an official pathway to engage with foreign government officials when cases of fraud are detected. This is a critical public health intervention in the pre-departure phase of preparing an animal for travel.

Lastly, many DMRVV-free and DMRVV high-risk countries currently require importers to obtain health certificates or vaccination records certified by official government veterinarians in the exporting country as part of the importation requirements for those countries.

Comment: HHS/CDC received comments expressing concern that individuals in low-income countries (which tend to be DMRVV high-risk countries), may have trouble identifying government officials to certify paperwork and that issues of poor governance and bureaucracy in these countries may lead to bribery.

Response: Although issues of poor governance, including bribery and corruption, in foreign countries fall outside the scope of this final rule, HHS/CDC notes that through this rulemaking at § 71.51(ee), HHS/CDC will be able to prohibit exports of dogs to the United States from countries that are unable to prevent the export of dogs with fraudulent vaccination paperwork or other fraudulent documentation. In addition, through the use of the *Certification of Rabies Vaccination and*

Microchip form, HHS/CDC will be utilizing an existing framework that already includes official government veterinarians that are trained and experienced in certifying standardized veterinary documentation for the international movement (import and export) of animals. HHS/CDC is updating U.S. importation requirements in a way that will more closely align with international practices and WOA standards. By leveraging the current international animal movement system overseen by official government veterinarians in exporting countries, HHS/CDC will be streamlining documentation requirements while strengthening the validity of importer documentation. HHS/CDC defined official government veterinarian in § 71.50(a) of the final rule.

Comment: A commenter stated that veterinarians who vaccinate or falsify the rabies vaccination documentation of rabid dogs imported into the U.S. should be banned instead of restricting the importation of dogs from that country. Additionally, HHS/CDC received comments to consider creating a list of approved veterinarians abroad for tracking the administration of rabies vaccines in foreign countries.

Response: HHS/CDC appreciates these comments and notes that this is the purpose of having official government veterinarians certify the rabies vaccination form. Official government veterinarians are able to verify which veterinarians are authorized to vaccinate dogs against rabies in their country. Additionally, engaging foreign government official veterinarians in the exportation process of an animal provides a pathway to communicate with a foreign government when cases of fraud are detected by CDC. Currently, there is no recourse or follow-up that a foreign government can perform when CDC identifies fraudulent paperwork because CDC does not require foreign governments to certify the paperwork prior to export. Official government veterinarians currently review and certify dog exportation paperwork for most other countries in the world, but the United States does not have this requirement. The final rule will align the United States requirements more closely with other countries that already require official government certification of export documentation in order to prevent fraud and provide an official pathway to engage with foreign government officials when cases of fraud are detected. It is not feasible for HHS/CDC to maintain a list of veterinarians globally nor for USG officials to verify that an importer does not present documentation signed by a

banned veterinarian; therefore, HHS/CDC is leveraging the existing international animal movement system that is overseen by official government veterinarians in each respective country.

Comment: HHS/CDC received a comment that having official government veterinarians verify vaccination forms may result in significant delays.

Response: HHS/CDC disagrees with the comment. The rabies vaccination form can be completed during an animal's health examination prior to export, and most official government veterinarians can certify paperwork within 3–10 days of submission. Owners and importers should plan ahead as wait times to have the forms certified can vary. However, HHS/CDC is utilizing the existing international animal movement system which already has a process in place for issuing travel documents for international pet movement, therefore, HHS/CDC does not anticipate significant delays in certifying paperwork prior to exportation.

Comment: HHS/CDC also received a comment that rather than provide the vaccination form, importers should be required to test tissue samples from dogs to prove they do not have rabies.

Response: HHS/CDC would like to clarify that testing tissue samples for rabies can only be done after an animal has died because the tissues are obtained from the animal's brain. There is no test that can be done to prove an animal does not have rabies while the animal is still alive. Serologic blood tests (titers) can be run to measure antibodies against rabies while an animal is alive, but titer tests do not prove an animal does not have rabies. In fact, elevated (or passing) titers suggest an animal has either been vaccinated against rabies or is infected with the rabies virus. This is why HHS/CDC requires a waiting period between the time a titer is collected and when an animal can be imported, or the time between ACF vaccination and the 28-day quarantine on arrival in the United States. The waiting period or quarantine period helps to ensure the animal is not infection with the rabies virus.

Paragraph (t)—*Requirement for Certification of U.S.-Issued Rabies Vaccination for Live Dog Re-entry into the United States form for importers seeking to import U.S.-vaccinated dogs from DMRVV high-risk countries.*

Of note: CDC has shortened the name of this form in the final rule to *Certification of U.S.-Issued Rabies Vaccination.*

Comment: HHS/CDC received comments that an importer should not

be required to have USDA certify rabies vaccination forms prior to travel.

Response: HHS/CDC disagrees. As noted above, HHS/CDC has documented instances of importers who falsify vaccination documents with the names of persons who are not accredited to practice veterinary medicine in the United States, or who alter the U.S. vaccine records of animals unbeknownst to the veterinarian. USDA official veterinarians can certify a veterinarian's authority to practice veterinary medicine in the United States through an electronic system that is less susceptible to fraud. CDC, CBP and other government agencies can verify all documentation on USDA's website enhancing importer compliance and reducing risk of fraud.

Comment: HHS/CDC received questions from the public concerning how a U.S. person traveling abroad would be able to have the *Certification of U.S.-issued Rabies Vaccination for Live Dog Reentry into the United States* form completed by a U.S. veterinarian and endorsed by USDA if they have already left the country.

Of note: CDC has shortened the name of this form in the final rule to *Certification of U.S.-Issued Rabies Vaccination*.

Response: HHS/CDC has taken steps to address these concerns. HHS/CDC will plan for a transition period to allow personal pet owners to return to the U.S. with their U.S.-vaccinated dog without providing a titer or needing to quarantine at an ACF if they left the United States without obtaining the rabies vaccination form if they can provide a USDA-issued export health certificate that includes proof of a current, valid rabies vaccine. During this transition period, HHS/CDC will have additional guidance available on its website for U.S. veterinarians regarding how to document U.S. rabies vaccination in the event an importer has already left the United States with their U.S.-vaccinated dog.

Comment: HHS/CDC also received comments encouraging HHS/CDC to work with USDA to create joint documents, or to align with USDA requirements and documentation. Commenters also asked what coordination with USDA has occurred and how CDC plans to engage with USDA-accredited veterinarians to communicate the new requirements.

Response: HHS/CDC notes that it works closely with USDA regarding dog importation requirements and believes the current, close coordination is sufficient. CDC has engaged with USDA Veterinary Service to leverage the Veterinary Export Health Certification

System already used by USDA-accredited veterinarians for the completion of CDC's *Certification of U.S.-Issued Rabies Vaccination Form* during a dog's export process. CDC plans to distribute website materials through CDC and USDA websites and communicate directly with veterinary organizations, such as the American Veterinary Medical Association, the National Association of State Public Health Veterinarians, and the U.S. Animal Health Association.

CDC is also aligning with USDA APHIS Animal Care's age requirement for the importation of commercial dog imports by requiring all dogs to be at least six-months of age for importation; partnering with USDA to ensure only USDA-accredited veterinarians complete the *Certification of U.S.-Issued Rabies Vaccination* form; and requiring the form be endorsed by USDA official veterinarians during the exportation process to reduce fraud. CDC and USDA also work closely with ACF to ensure all dogs meet both agencies importation requirements. However, CDC notes that current USDA APHIS Animal Care requirements do not apply to all dogs and USDA APHIS Veterinary Service's importation requirements do not focus on protecting human health, therefore, CDC requirements are needed in addition to USDA requirements to protect both human and animal health against the reintroduction of DMRVV.

Paragraph (u)—Requirement for proof that a dog has been only in DMRVV low-risk or DMRVV-free countries.

Comment: Commenters expressed various concerns relating to the ability of an importer, airline, or veterinarian to provide documentation confirming that a dog has been only in DMRVV low-risk or DMRVV-free countries during the six months before its arrival into the United States. Commenters also requested greater clarity regarding acceptable forms of documentation.

Response: HHS/CDC appreciates these comments. Based on these public comments, HHS/CDC has included a list of acceptable documents in the regulatory text that an importer may use to confirm that a dog has been only in DMRVV-free or DMRVV low-risk countries during the six months prior to its importation into the United States. Importers may provide proof of rabies vaccination, which is recommended but not required, using the *Certification of Foreign Rabies Vaccination and Microchip* form or the *Certification of U.S.-Issued Rabies Vaccination* form listed below.

All forms must be endorsed by an official government veterinarian to be considered valid. Importers should

contact their local veterinarian who can submit the required form to an official government veterinarian in the exporting country. Importers may also use the USDA pet travel website or IPATA website to contact a pet shipper to request assistance.^{186 187} This list also appears on CDC's website at www.cdc.gov/dogtravel. These documents include, but are not limited to:

- A valid *Certification of Foreign Rabies Vaccination and Microchip* form if completed in a DMRVV-free or DMRVV low-risk country and the dog is arriving into the United States from the same DMRVV-free or DMRVV low-risk country as that listed on the form. This form must be completed by an authorized veterinarian, which may include an Official Government Veterinarian, and must be endorsed by an official government veterinarian in the exporting country.

- A valid *Certification of U.S.-Issued Rabies Vaccination* form completed by a USDA-accredited veterinarian and endorsed by a USDA official veterinarian.

- A valid USDA export certificate if the certificate is issued by a USDA-accredited veterinarian and endorsed by a USDA official veterinarian to allow the dog to travel to a DMRVV-free or DMRVV low-risk country and the dog is returning to the United States from the same DMRVV-free or DMRVV low-risk country as that listed on the export certificate.

- A valid foreign export certificate from a DMRVV-free or DMRVV low-risk country that has been certified by a government veterinarian in that country. The export certificate must be accompanied by veterinary records (such as the EU pet passport) or proof of payment for veterinary services establishing that veterinary services were performed in the exporting country at least six months before traveling to the United States.

- A *Certification of Dog Arriving from DMRVV-free or DMRVV low-risk Country* form if accompanied by veterinary records or proof of payment for veterinary services establishing that veterinary services were performed in the same DMRVV rabies-free or DMRVV low-risk country at least six months before traveling to the United States. This form must be completed by an authorized veterinarian, which may include an official government veterinarian, and must be endorsed by

¹⁸⁶ USDA Pet Travel. www.aphis.usda.gov/pet-travel/us-to-another-country-export.

¹⁸⁷ International Pet and Animal Transportation Association. www.ipata.org.

an official government veterinarian in the exporting country.

Regarding airlines, CDC does not require that airlines confirm that a dog has been only in DMRVV low-risk or DMRVV-free countries during the six months before its arrival into the United States. Rather, airlines must confirm that importers have presented required documentation to the airline before boarding the dog. CDC will specify in communication materials how airlines can confirm an importer has presented the required documentation.

HHS/CDC further notes that it is the importer and not the veterinarian who is responsible for providing documents to the airline confirming that a dog has been only in DMRVV low-risk or DMRVV-free countries during the six months before its arrival into the United States.

Comment: HHS/CDC also received comments from public health agencies expressing concern that allowing dogs from DMRVV-free countries to enter the United States without proof of vaccination creates potential loopholes for unscrupulous importers to exploit.

Response: HHS/CDC shares this concern. However, HHS/CDC believes there should be reduced importation requirements for countries that have eliminated canine rabies in order to encourage other countries to implement canine rabies elimination plans and to reduce the burden on importers traveling from DMRVV-free countries to the United States. HHS/CDC acknowledges that there have been numerous cases documented by CBP, CDC, and USDA of importers moving dogs from DMRVV high-risk countries through DMRVV-free countries to avoid U.S. entry requirements. HHS/CDC is attempting to address this issue by requiring documentation from importers arriving with dogs from DMRVV-free countries attesting that the dog has been in a DMRVV-free country for the six months before arrival. This documentation must be certified by an official government veterinarian in the exporting country. Through this rulemaking HHS/CDC has attempted to balance the needs of public health with the desire to not unnecessarily burden the vast majority of importers who enter the United States with dogs from DMRVV-free or DMRVV low-risk countries. HHS/CDC is not requiring proof of rabies vaccination, serologic titers, quarantine, or limiting ports of entry for dogs arriving from DMRVV-free or DMRVV low-risk countries with appropriate paperwork. HHS/CDC believes that this rule appropriately strikes this balance.

Paragraph (v)—*Denial of admission of dogs and cats.*

Comment: HHS/CDC received a comment from an airline industry organization stating that the proposed “six-hour window from which an animal denied admission into the United States should be relocated to a CDC-facility or a CDC-registered facility” was too short. The commenter suggested “that airlines notify the CDC within six (6) hours of an animal being denied admission into the U.S. with transport scheduled within 24 hours.”

Response: HHS/CDC has split § 71.51(v) as written in the NPRM into two paragraphs. Paragraph (w) is a new paragraph in the final rule. In response to public comment, under paragraph (w), HHS/CDC now requires airlines to transport healthy animals to a CDC-registered ACF or other CDC-approved facility (if a CDC-registered ACF is not available) within 12 hours of arrival. Ill or injured animals must be transported by the airline immediately to a CDC-registered Animal Care Facilities or other CDC-approved veterinary clinic as directed by CDC.

Animals arriving by air that are awaiting an admissibility determination or denied admission must be held in CDC-registered Animal Care Facilities or other CDC-approved facility (if a CDC-registered Animal Care Facility is not available).

An airline must immediately report an obviously ill or injured animal (e.g., the animal is unable to stand, has difficulty breathing, is bleeding, has broken bones or disfigured limbs, or is experiencing seizures, vomiting, or discharge from the nose, mouth, or eyes) arriving into the United States to the CDC quarantine station (also known as the port health station) of jurisdiction. The airline must immediately arrange to transport an obviously ill or injured animal to a CDC-registered Animal Care Facility or veterinary clinic as directed by CDC.

Animals arriving by sea that are denied admission must remain on the vessel while awaiting return to the country of departure.

HHS/CDC is also clarifying that it may deny entry to an animal if an importer refuses to comply with CDC-required diagnostic tests to rule out communicable diseases. Diagnostic tests are crucial to determine the cause of an illness and ensure the animal does not pose a public health threat.

Paragraph (w)—*Disposal or disposition of dogs and cats denied admission to the United States.*

HHS/CDC addressed comments above in “General Comments” that inaccurately interpreted HHS/CDC’s

NPRM as proposing to euthanize dogs that do not meet HHS/CDC entry requirements. Additionally, comments noted in paragraph (z) may also be applicable to paragraph (w).

Paragraph ((x))—*Appeals of CDC denials to admit a dog or a cat upon arrival into the United States.*

HHS/CDC received no public comment on this paragraph of the proposed rule.

Paragraph (y)—*Record of death of dogs and cats en route to the United States and disposition of dead animals.*

Comment: HHS/CDC received a comment that charging importers for the cost of a necropsy is egregious because it imposes an extra burden on a grieving family. The comment stated that only, “if the autopsy revealed that the importer had falsified documentation then fines and any other action against the importer would be appropriate.”

Response: HHS/CDC disagrees with this comment. CDC acknowledges the important role pets play in the lives of people and their families; however, determining the cause of death of an imported dog or cat is crucial to ensuring an importer, their family members, and other people or animals were not exposed to a potential communicable disease that could threaten the health and safety of an importer, their family, or a community. Necropsies are performed by licensed veterinarians who can arrange for the remains or cremated ashes of an animal to be returned to the importer if the cause of death is determined not to be a communicable disease, which provides grieving families the ability to mourn their dog or cat while ensuring the safety of travelers and U.S. communities. Importers are financially responsible for the animals they import, including the cost of any diagnostic tests needed to ensure a dog or cat is not carrying a communicable disease, including post-mortem diagnostic tests. While the focus of this final rule is DMRVV, there are other communicable diseases that dogs and cats can spread to people, so requiring an importer to pay for a necropsy only if the rabies vaccination paperwork is falsified is not sufficient to protect public health.

Paragraph (z)—*Abandoned shipments of dogs and cats.*

Comment: HHS/CDC received numerous letters from public health partners, animal welfare groups, importers, and rescue groups that stated that HHS/CDC should identify resolutions for the issues of abandoned animals at ports of entry and the public health risks associated with delayed care or evaluation for sick or injured animals that arrive in the United States.

However, other commenters, including an airline industry member organization, objected to airlines being identified as the responsible party for dogs they transport in the event an importer abandons the dog. An airline industry member organization suggested that CDC and CBP should be financially responsible for abandoned animals. Commenters stated the responsibility for finding appropriate housing for dogs denied admission should not be shifted to airlines. In their view, the care of a dog denied admission into the United States should be the responsibility of the Federal agency denying entry and/or the facility where entry is denied. Commenters argued there is no justification for shifting the consequences of enforcing Federal agency rules onto carriers, and that this was akin to an unfunded mandate for airlines.

Response: HHS/CDC notes that abandonment of animals arriving in the United States is a genuine, documented problem, which can create public health risks (exposures to sick or rabid animals), animal welfare concerns, and additional costs for housing and care. The final rule seeks to reduce the incidence of abandoned animals by requiring airlines to confirm entry requirements prior to boarding, which will likely reduce the number of dogs denied entry and abandoned on arrival. The final rule further provides that when an airline accepts an animal for boarding, whether in cargo or in the cabin, the airline must provide care for the animal in the event an importer abandons it or to transport the animal to a veterinary clinic on behalf of the importer if it becomes ill or injured prior to being cleared for entry into the United States. Such costs have never been borne by Federal agencies, and this requirement does not represent a shifting of this responsibility. This is consistent with existing practice, as carriers are already assigned responsibility for the goods they transport (if there is an AWB). For the rare occasions in which an animal is abandoned, carriers have the ability to use contractual provisions to ensure importers are responsible for associated costs, as discussed at more length below.

HHS/CDC would like to note that this requirement would not be considered an unfunded mandate, as that term is understood under the Unfunded Mandate Reform Act, 2 U.S.C. 1501 *et seq.*, for several reasons. First, HHS/CDC is not imposing a cost of \$177M USD or more onto airlines, as required to be an unfunded mandate under the 1995 Unfunded Mandate Reform Act of 1995.

HHS/CDC estimated that between 300 and 750 dogs would be denied entry each year under the regulatory baseline (*i.e.*, under the dog importation requirements specified prior to this final rule going into effect and assuming the temporary suspension was not in effect). With the requirements in the final rule, CDC assumed that between 30 and 75 dogs would be denied entry because HHS/CDC believes that the standardization of rabies vaccination documentation will facilitate the ability of airlines to check this documentation is in place prior to boarding dogs for flights to the United States. Only a small portion of all imported dogs would be abandoned by importers such that the costs of the dogs' care and their return to their countries of origin would be incurred by airlines. CDC estimated that the costs to airlines under the regulatory baseline would range from \$42,000 to \$650,000. These costs would be further reduced by the requirements in the final rule. Second, the costs for transportation, care, and housing are not being shifted from the government to the airline because these costs have never been a government responsibility. Third, ensuring airlines are responsible for confirming entry requirements for dogs prior to boarding is likely to result in fewer dogs denied entry and abandoned at the U.S. port, reducing the number of abandoned animals that airlines may be responsible for and resulting in fewer costs to airlines for abandoned animals. HHS/CDC acknowledges that the need for airlines to review additional documents and create bills of lading (or other CDC-approved alternative) as required in this final rule will also increase costs for airlines to transport dogs to the United States. In addition, this final rule is expected to reduce the number of dogs flown into the United States, which would reduce the revenue and profit earned by airlines to transport dogs.

Comment: HHS/CDC received comments requesting that it require importers to either reimburse airlines for costs relating to care and transporting an animal to a veterinary clinic or require that the importer be the financially responsible if the animal is abandoned.

Response: HHS/CDC notes that the importation of animals and other goods involves multiple parties (importers, carriers, etc.), each with its own sets of responsibilities. The final rule outlines these responsibilities in ways that best protect public health. Airlines have responsibilities for the animals they carry, and the final rule is designed to minimize this burden where possible while protecting public health from the

importation of rabid dogs. HHS/CDC agrees that an airline may pursue reimbursement from importers for any expenses incurred on behalf of the importer if an animal arrives ill, is denied admission, or is exposed to a sick animal in transit. Both the NPRM and the final rule include regulatory text that states that an airline may make "contractual arrangements with an importer or a third party relating to the expenses of returning an animal to its country of departure, for veterinary care, or otherwise disposing of an animal, provided that no government costs are incurred." Airlines would also be able to include reimbursement for costs incurred relating to animal importations as part of their contract for carriage with an importer. To the extent that the commenters argue that HHS/CDC should directly reimburse carriers for costs incurred on behalf of an importer abandoning an animal, HHS/CDC notes that it would lack the legal authority to provide such indemnification. The cost of caring for a dog denied admission has never been a government responsibility. Long-standing regulations at 42 CFR 71.51(g) have provided that animals denied admission shall be detained at the owner's expense, and not at government expense. Although the rule may have the effect of transferring immediate responsibility from the owner to the carrier, this is to ensure that animals abandoned by their owners after import are housed appropriately pending return to their country of departure, and as noted above, contractual mechanisms are available to carriers to pursue reimbursement from importers for any expenses incurred on behalf of the importer if an animal arrives ill, is denied admission, or is exposed to a sick animal in transit. This shifting of responsibility is justified because airlines can establish the conditions by which they accept goods and cargo transported into the United States. It is also the airline, not the owner, that establishes flight schedules and can therefore arrange to return a dog denied admission quickly to its country of departure, thereby reducing potential housing costs, or otherwise disposing of an animal, provided that no government costs are incurred.

Comment: HHS/CDC also received comments that veterinary clinics should be acceptable housing alternatives for animals abandoned at ports of entry in the event an ACF is not available.

Response: HHS/CDC works closely with the airlines, USDA, and CBP when an animal is abandoned at a port of entry. In the event an ACF is not available, CDC may contact local veterinary clinics to determine whether

there is available housing for an abandoned animal. Abandoned animals are the responsibility of the airline and the animal's ultimate disposition is determined in collaboration with the airline. CDC veterinarians will contact local veterinary clinics or veterinary teaching hospitals to determine whether they are equipped to house an imported dog. CDC may request verification from the clinic or hospital that it is equipped to handle a variety of scenarios, such as an isolation or quarantine, emergency surgery, diagnostic testing capabilities, or overnight (24 hours a day) monitoring to determine whether a hospital or clinic is suitable to house an animal pending admissibility determination. These determinations are made based on the health status of the dog and assessment of potential communicable disease risks. In the past, CDC has allowed dogs to be held at local veterinary clinics or veterinary teaching hospitals when ACF are not available for short periods of time. HHS/CDC agrees that if an ACF is not available, a CDC-approved alternative facility such as a veterinary clinic or kennel may be a suitable alternative for animals abandoned at ports of entry. The facility must be approved by HHS/CDC prior to transport.

Comment: HHS/CDC received a comment stating that an importer should not be allowed to abandon an animal if the animal has not been cleared to enter the United States with its importer.

Response: HHS/CDC notes that in practice it is very difficult to prevent importers from abandoning animals after the animals arrive in the United States. In general, there is a large amount of inanimate goods that are abandoned by importers upon arrival. Although HHS/CDC in theory could attempt to penalize importers from abandoning dogs upon arrival, to do so, HHS/CDC must request assistance from other departments and agencies to address violations which can be a time-consuming process. This process would also not address the immediate concern of port partners who would still need to find adequate housing and care for abandoned animals and determine their ultimate disposition on a timely basis. Considering the enforcement needs and practical difficulties in preventing an individual importer from abandoning a dog, HHS/CDC has sought alternative solutions as explained in this final rule.

Paragraph (aa)—Sanitation of cages and containers of dogs and cats.

HHS/CDC received no public comment on this paragraph of the proposed rule.

Paragraph (bb)—Requirements for in-transit shipments of dogs and cats.

Comment: HHS/CDC received a comment clarifying that in-transit shipments only include dogs transported as cargo.

Response: HHS/CDC confirms that this is accurate. HHS/CDC is aligning with the USDA's definition of in-transit which only applies to dogs in cargo. This is because animals in-transit must remain under the care of the airlines to minimize contact with members of the public or illegal entry into the United States. Dogs flown in the passenger environment (hand-carried or checked baggage) do not meet the definition of in-transit and must meet HHS/CDC entry requirements.

Comment: HHS/CDC received a comment that in-transit shipments should be required to contain an entry number on the in-bond form.

Response: HHS/CDC disagrees. In-transit shipments are, by definition, not entering the U.S.; therefore, an entry number is not needed. HHS/CDC believes that the addition of an entry number could lead to confusion and the accidental admission of animals that do not meet U.S. entry requirements.

Although HHS/CDC did not receive public comment about microchip requirements for dogs in-transit, HHS/CDC is clarifying that a microchip is not required for dogs that are transported by aircraft and are being transited through the United States if retained in the custody of the airline.

Paragraph (cc)—Bill of lading and other airline requirements for dogs.

Comment: HHS/CDC received comments from airlines that they should not be held responsible for confirming that importers meet entry requirements before boarding dogs. Other commenters requested more information on how they can confirm the *CDC Dog Import Form* has been completed.

Response: HHS/CDC is requiring airlines to confirm entry requirements in order to decrease the likelihood a dog will be denied entry and abandoned at upon arrival. Airlines can ensure importers have appropriate paperwork prior to departure, and airlines are best positioned to confirm required documentation at the point of departure. Additionally, these requirements align with other airline responsibilities in other contexts (verifying traveler passport and visa information, screening cargo and baggage). Airlines will be required to confirm all necessary paperwork is present and that the information on documents is consistent when multiple documents are presented to the airline. For example, airlines should deny boarding based on

discrepancies in paperwork that would be obvious to a reasonable observer. CDC will issue guidance on how to confirm documentation. It will not be an onerous process for airlines to confirm importers have a *CDC Dog Import Form* receipt as importers will be able to present the emailed receipt digitally or a paper print-out of the receipt to an airline representative at check-in.

Comment: HHS/CDC received comments supporting the requirement that airlines should deny boarding dogs whose importer does not present required documentation to prevent inadmissible dogs from flying to the United States.

Response: HHS/CDC agrees with this comment. Federal agencies that work at ports strongly support airlines confirming importer documentation prior to the flight to limit the number of inadmissible dogs that arrive at ports in the United States. Many State agencies also voiced support for required document review and visual screening of dogs by airlines prior to accepting dogs for transport to prevent inadmissible dogs from flying to the United States and entering their jurisdictions. These requirements align with other airline responsibilities in other contexts (verifying traveler passport and visa information, screening cargo and baggage).

Comment: HHS/CDC received comments from airlines that they believed the proposed rule would require them to buy specialized equipment (microchip scanners) and opposed this requirement.

Response: HHS/CDC clarifies it is not asking airlines to scan dogs' microchips. Scanning is performed at the ACF or by the importer with assistance from CDC's quarantine station officers (also known as CDC port health station officers). Airlines will be required to confirm all necessary paperwork is present and that the information on documents is consistent when multiple documents are presented to the airline. For example, airlines should deny boarding based on discrepancies in paperwork that would be obvious to a reasonable observer. CDC will issue guidance on how to confirm documentation.

Comment: HHS/CDC received numerous comments from public health partners, animal welfare groups, importers, and rescue groups that airlines should be responsible for the animals they transport.

Response: HHS/CDC agrees with these comments and believes the best way to ensure airline responsibility for the animals they transport is through an existing process called a bill of lading. A bill of lading (including an AWB) is

a legally binding document issued by a carrier to a shipper or importer that details the type, quantity, and destination of the goods (*i.e.*, dogs) being carried. A bill of lading serves as a shipment receipt when the carrier delivers the goods at a predetermined destination. A bill of lading is a key document to ensure theft or abandonment of goods does not occur while the goods are being shipped to the final destination. Additionally, a bill of lading serves as undisputed proof of shipment, and it represents the agreed upon terms and conditions for the transportation of the goods. Dogs that arrive ill, injured, or who are denied entry upon arrival in the United States must have a bill of lading to ensure the animal receives timely care and can be tracked by Federal agencies and airlines throughout the clearance or return process. A bill of lading gives the Federal Government authority to leverage the carrier's bond in cases of noncompliance. HHS/CDC encourages airlines with limited cargo operations to work with sales supervisors in their local offices or partner airlines to create AWB. CDC and several foreign-based air carriers have successfully piloted the creation of AWB for dogs transported in the passenger environment.

Comment: HHS/CDC received a comment that the rule usurps the USDA's authority by treating all pets as imports and by forcing all dogs to travel by air as cargo.

Response: HHS/CDC disagrees because it is not unusual for different Federal agencies to possess overlapping legal authority and HHS/CDC's requirements complement and do not conflict with applicable USDA requirements. Additionally, dogs and cats are goods that are imported into the United States if entering from a foreign country regardless of whether the owner/importer considers the animal to be a personal pet. An importation occurs whenever a dog or cat is presented for admission at a U.S. port, regardless of whether the animal is being presented for admission for the first time or returning to the United States after traveling abroad. Dogs and cats must meet the United States' importation requirements to be eligible for entry or re-entry. HHS/CDC has authority to create requirements based on public health concerns for the importation of dogs into the United States. USDA is the competent authority for animal export and animal welfare during transport. HHS/CDC's final rule is focused on dog and cat importation and protecting the public health by establishing requirements specific to preventing the reintroduction of

DMRVV into the United States. HHS/CDC's requirements for airlines to confirm documentation before boarding and create a bill of lading or record of transport serve a public health function by preventing inadmissible dogs from being transported to the United States. These requirements also allow HHS/CDC more easily track and identify dogs upon arrival that require further public health evaluation, such as examinations needed for sick or dead dogs or cats.

Additionally, HHS/CDC clarifies that the proposed rule and this final rule do not require that all dogs fly as cargo. HHS/CDC does note that some U.S. ports may require dogs to enter as cargo based on the ACF and CBP Port Director's authority. CBP Port Directors have authority to direct how dogs are processed and cleared at their ports. This is done at the CBP Port Director's discretion and is not a requirement of this final rule. HHS/CDC also notes that travelers can choose to import dogs through another port if they want to import their dog in the passenger environment (hand-carried or checked baggage). HHS/CDC's final rule requires airlines to create an Airway Bill (AWB) or other suitable bill of lading for the movement of dogs in the passenger environment.

Comment: Some commenters stated that the creation of AWB is not possible for dogs transported in the passenger environment (hand-carried or checked baggage). CDC also received comment from the public that flying with an AWB will force dogs to fly as cargo. One commenter requested that HHS/CDC require importers and dogs transported in the passenger environment be cleared together (which can only occur in the Federal Inspection Station) and multiple comments stated that importers should be able to continue to fly imported dogs as checked baggage or hand-carried or both because it is more expensive to fly a dog as cargo and because importers do not want to be separated from their dogs. Commenters also stated that some airlines do not have cargo operations so they cannot create an AWB.

Response: HHS/CDC disagrees with these comments. CDC has successfully piloted the creation of AWB for dogs transported in the passenger environment with several airlines, therefore, HHS/CDC believes this approach can be adopted by other air carriers so that dogs can continue to fly as hand carried or checked baggage. HHS/CDC has also revised the requirements in this final rule to allow greater flexibility for airlines that are unable for technical reasons to generate an AWB to transport dogs as cargo, checked baggage, or hand-carried

baggage. Airlines that lack the technical ability to generate an AWB to transport dogs as checked baggage or as hand-carried must request a waiver from CDC and provide a standard operating procedure (SOP) outlining how they will ensure care for any ill, injured, or abandoned animals in the absence of an AWB. CDC may grant an annual waiver. As a condition of granting a waiver, CDC may require the airline to work with a broker to file the appropriate paperwork and identify suitable housing accommodations for any dogs detained pending admissibility (such as an ACF or local kennel). The SOP must include the location of a bonded facility or other suitable alternative approved by CBP and CDC prior to transport of animals. As a further condition of granting a waiver, CDC may require the airline to submit documentation outlining a timetable and steps that will be taken to develop the technical capacity to generate an AWB (or another suitable alternative to an AWB) to transport dogs. CDC will provide additional details for airlines seeking exemption for the AWB requirement in technical instructions available by emailing cdcanimalimports@cdc.gov.

Comment: One commenter noted that HHS/CDC should utilize CBP's Automated Commercial Environment (ACE) 2.0 system for dog importations.

Response: HHS/CDC carefully considered this comment but declines this option because using ACE would require importers to hire a broker which would significantly increase importer costs. Additionally, ACE is only accessible by CBP personnel as authorized by their respective agency role and provisioned for cargo environments, and would not be provisioned for use by CBP officers located in the FIS in verifying whether an owner has uploaded all required documentation prior to arrival. Instead, by requiring that dog importers use the *CDC Dog Import Form*, CDC is able to track dog imports in a manner similar to ACE through a web-based system that does not require importers to use brokers. Importers will present the paper-based *CDC Dog Import Form* receipt to CBP officers in the FIS, or the receipt can be uploaded into ACE for dogs traveling in cargo. This ensures the receipt is accessible by all Federal officers at ports of entry. Additionally, CDC does not currently have access to ACE and obtaining access would be costly for CDC at this time. CDC, however, may consider use of this system in the future.

Comment: HHS/CDC also received comments from the airline industry on the six-hour timeline for airlines to

transport abandoned, ill, or injured dogs and dogs denied entry awaiting return to their country of origin to an HHS/CDC-approved facility. The commenter suggested that the six-hour window is arbitrary and not supported by corroborative evidence and requested 24 hours to transport these dogs from cargo warehouses to veterinary clinics or kennel facilities, and six hours to notify HHS/CDC of the abandoned, ill, or injured dogs. HHS/CDC also received many comments from public health partners, animal welfare groups, importers, and rescue groups supporting the six-hour timeframe for airlines to transport abandoned, ill, or injured dogs or dogs awaiting return to their country of origin to a veterinary or kennel facility for examination or care.

Response: HHS/CDC appreciates these comments and notes that it has carefully considered the proposed 6-hour timeframe based on concerns relating to the burden on the carrier and to the health and safety of animals detained pending a determination as to their admissibility and workers who may interact with these animals. HHS/CDC anticipates that significantly increasing the time airlines are allowed to keep dogs in cargo warehouses (from 6 hours to 24 hours) would result in an increase in illness and deaths in dogs. An increase in ill dogs and dogs dead on arrival would negatively impact Federal and State public health resources because CDC would need to conduct a public health investigation into the cause of the illness or death. CDC conducted an average of 38 animal health investigations per year between 2019–2023. Each illness/death investigation can cost between \$100–\$5,500 per event (\$3,800–\$209,000 per year in public health costs to State or Federal agencies).¹⁸⁸

Additionally, CDC notes that cargo warehouse staff are not trained to feed/water/care for animals and that detaining animals for long periods of time increases the health risks to the animals as well as the potential risk of injury or expose to workers. Expanding the timeframe for airlines to house dogs in cargo warehouses necessitates additional care from cargo warehouse staff, thereby increasing the risk of bites, scratches, and other injuries from dogs. Additionally, the stress dogs experience during transport could exacerbate the risk of injury to cargo warehouse workers. CDC has documented instances of cargo warehouse staff leaving animals

unattended in their crates without food, water, or access to elimination areas outside their crates for prolonged periods of time. Prolonged wait times in cargo warehouses have also led to illness and death in multiple animals (five illnesses and one death in 2019; and two deaths in 2023).

Consistent with USDA regulations, animals should receive food at a minimum every 24 hours and water every 12 hours during transport.¹⁸⁹ Additionally, animals must have their enclosures and food and water receptacles cleaned every 24 hours. CDC and USDA have documented numerous shipments of animals that did not have adequate food and water during transport, nor were their cages cleaned as required. Lengthy international flights, which can begin for a crated animal up to 4 hours before the flight departs and includes the flight time (6–16 hours) plus a 24-hour wait in a cargo hold, will leave many animals exceeding this feeding/watering/cleaning period leading to dehydration, hypoglycemia, illness, or death. Neglect of basic animal care, such as feeding and watering, has a direct public health impact on CDC as noted above because CDC must investigate every report of illness or death in an imported animal to determine the public health risk.

However, HHS/CDC recognizes that some airlines may need additional time to find suitable housing for animals; therefore, HHS/CDC is modifying the language in the final rule to allow airlines up to 12 hours to move dogs from cargo warehouses to an ACF or other CDC-approved location if the animal is healthy. Obviously ill or injured animals must be reported immediately to the CDC quarantine station of jurisdiction and must be transported immediately thereafter to a veterinary clinic or as directed by CDC. Notification to CDC should be made based on visual observation of illness in animals (e.g., unable to stand, difficulty breathing, bleeding, broken bones or disfigured limbs, seizures, vomiting, or discharge from the nose, mouth, or eyes) by the airline employees or its agents (including contracted cargo warehouse staff) or by Federal government officials (e.g., CDC or CBP staff). Delaying the care of ill or injured animals will likely result in more deaths, increased potential public health risks, and would be considered inhumane.

Comment: HHS/CDC received comments from the public that it will be

difficult to ensure airlines comply with these requirements.

Response: HHS/CDC has outlined options for addressing noncompliant air carriers in § 71.51(ee) of the final rule. Failure to comply with CDC requirements can result in CDC prohibiting carriers from transporting animals. However, CDC will develop training materials for airline partners and animal shippers in the industry and work collaboratively with the animal transportation industry to ensure compliance. Diligence is needed from importers as well as the airlines to ensure compliance with U.S. entry requirements. CDC will continue to develop job aids, presentations, website information, and other materials to distribute to those in the animal transport industry.

Comment: HHS/CDC received a comment that “since airlines have transport registrations with USDA, it is the USDA’s responsibility to set the rules and regulations for transportation of live animals.”

Response: Although HHS/CDC agrees that USDA’s regulations govern many aspects of animal transportation, this final rule is authorized under section 361 of the Public Health Service Act (PHS Act) (42 U.S.C. 264), which authorizes the HHS Secretary to make and enforce such regulations as in the Secretary’s judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States and from one State or possession into any other State or possession. The final rule’s provisions, among other things, are designed to prevent the importation of inadequately vaccinated, ill, or dead animals which can lead to communicable disease spread. This is both a public health issue and an animal health issue. HHS/CDC regulates public health risks and works closely with USDA to align requirements where possible; however, the agencies have different mandates, and the purpose of this final rule is to protect the public’s health.

Comment: HHS/CDC also received comments that airline costs would increase or that airlines will stop transporting dogs.

Response: HHS/CDC appreciates these comments and notes that the comment from an airline industry organization did not state that HHS/CDC’s proposed requirements would cause airlines to stop transporting dogs. For the NPRM, HHS/CDC attempted to estimate the costs to airlines but lacked data on the potential costs to airlines for additional document review and to create bills of lading. HHS/CDC did not receive data

¹⁸⁸ Pieracci EG, Maskery B, Stauffer K, Gertz A, Brown C. Risk factors for death and illness in dogs imported into the United States, 2010–2018. *Transboundary and Emerging Diseases*, 2022; 1–9.

¹⁸⁹ USDA. Animal Welfare Act and Animal Welfare Regulations. Title 9, Chapter 1, Subpart A, Part 3.9, 3.10, 3.14, 3.17). https://www.aphis.usda.gov/animal_welfare/downloads/AC_BlueBook_AWA_508_comp_version.pdf.

from commenters that would help refine these cost estimates, but HHS/CDC understands that commenters may believe the cost estimates for airlines are too low. In the NPRM, HHS/CDC estimated the costs to airlines would include an additional five minutes per dog from DMRVV-free or low-risk countries and 15 minutes per dog from DMRVV high-risk countries. This resulted in an estimate of about \$3.2 million (range: \$1.3 to \$6.6 million) to airlines. On average, this would correspond to between \$6.25 to \$17.29 per dog transported. CDC could only assume how much time would be required for airlines to review documentation. However, based on comments from the airline industry about the potential difficulties for some airlines to produce bills of lading and other commenters expressing concern that the cost to airlines were underestimated, HHS/CDC increased the amount of time that would assume to be required for airlines to comply with the requirements of this final rule. In the analysis in the final rule, HHS/CDC assumed the amount of time per dog would be 50% more than the estimate for the NPRM for dogs from DMRVV high-risk countries and 100% more for dogs from DMRVV-free or low-risk countries. This amount should not significantly impact airlines' costs to transport dogs on international flights.

On an individual dog basis, the greatest costs to airlines would be incurred when dogs are denied entry and abandoned by an importer. However, this would only occur for a fraction of the dogs transported and HHS/CDC believes the additional requirements included in this final rule should reduce the number of dogs denied entry by standardizing the forms used to verify rabies vaccination documentation. As noted above, the annual costs to airlines for abandoned dogs was estimated to be between \$42,000 and \$650,000 per year. Assuming the number of dogs denied entry with the final rule is less than under the regulatory baseline, the costs to airlines for abandoned dogs should decrease.

In addition, HHS/CDC has included language in the final rule that allows airlines to seek reimbursement from importers that abandoned animals on arrival, thereby mitigating the potential cost burden on airlines and making it unlikely that airlines will stop transporting animals. They may modify their transportation process to ensure animals are healthy and meet CDC entry requirements prior to transporting the animal. Furthermore, the clearance process at airports may have to be

modified to reflect CDC's requirements that are being put in place to control the public health risk of dogs arriving from DMRVV high-risk countries, but CDC will work with airlines and other port partners to continue the safe transportation of dogs from DMRVV high-risk countries.

Paragraph (dd)—*Order prohibiting carriers from transporting dogs and cats.*

HHS/CDC received no public comment on this paragraph of the proposed rule.

Paragraph (ee)—*Prohibition on imports of dogs from DMRVV-restricted countries.*

Comment: HHS/CDC received several comments and questions regarding DMRVV-restricted countries. The questions included how the list would be determined, whether data would be publicly available, and whether a country could appeal their status. Suggestions were offered to ban veterinarians instead of countries and to issue permits for dogs arriving from DMRVV-restricted countries. Some commenters expressed concern that people could get stuck overseas with pets when a country was added to the DMRVV-restricted list.

Response: HHS/CDC will maintain a "List of DMRVV-Restricted Countries" from which the importation of dogs into the United States would be prohibited. The list of DMRVV-restricted countries would be maintained on HHS/CDC's website. The addition of countries to the DMRVV-restricted country list will also be announced in notices published in the **Federal Register** and the data supporting the announcement will also be published in the **Federal Register**. HHS/CDC is aware of the risk of some travelers being unable to return with their dogs, and HHS/CDC will consider ways to provide adequate notice to importers of changes to the DMRVV-restricted country list, such as including as much time as possible between the announcement of a change to the list and the effective date. HHS/CDC will also retain the ability to issue, at its discretion, a special exemption permit on an extremely limited basis for certain dogs that have been in a DMRVV-restricted country in the six months prior to their importation into the United States.

Although there is no formal appeal process, a listed country's officials may submit additional information to CDC if they believe that the country has been added to the "List of DMRVV-Restricted Countries" in error or if they believe the listing is no longer current. However, HHS/CDC may maintain restrictions or prohibitions in place until the Director is satisfied that the DMRVV-restricted

country has established sufficient controls to prevent the reintroduction of DMRVV into the United States, including measures to prevent the use of falsified or fraudulent vaccination credentials or invalid rabies vaccination certificates, or the use of expired, ineffective, or unapproved vaccine products within a country.

HHS/CDC notes that maintaining a list of individual veterinarians would be extremely cumbersome, operationally difficult to revise and maintain, and raise concerns regarding HHS/CDC's ability to effectively enforce such a restriction. Therefore, HHS/CDC declines to implement this proposal. HHS/CDC further notes that the goal of having an official government veterinarian certify the export documentation is to ensure that the exporting country is monitoring the activity of their veterinarians and not certifying any documents they deem suspicious or fraudulent. This also allows CDC to communicate concerns directly with exporting country officials if fraudulent paperwork is noted. Each country has its own rules and regulations governing veterinary medicine and it would be inappropriate and likely ineffective for HHS/CDC to focus on individual foreign veterinarians.

Paragraph (ff)—*Request for issuance of additional fines or penalties.*

HHS/CDC received no public comment on this paragraph of the proposed rule. However, CDC is adding language informing the public that it may also refer potential violations of Federal law to the U.S. Department of Justice for investigation, and based on the results of such investigation, prosecution. Specifically, CDC may refer a matter to the U.S. Department of Justice if the Director has reason to believe that an individual or organization has violated Federal law, including by forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with a U.S. government employee while engaged in or on account of the performance of their official duties in violation of 18 U.S.C. 111, by obstructing an agency proceeding in violation of 18 U.S.C. 1505, or by otherwise engaging in conduct contrary to law. CDC believes that this provision serves an important function in informing the public and potentially deterring bad actors from engaging in conduct that forcibly interferes with CDC and CBP's ability to carry out its official duties or obstructing an agency proceeding under this section.

Comment: HHS/CDC received public comment on matters that were not part

of HHS/CDC's proposed changes to its regulations and thus are outside of the scope of this final rule. These comments included statements about saving wildlife and suggestions for the regulation of other animals such as nonhuman primates.

Response: HHS/CDC is not updating its regulations for species other than dogs and cats in this rule.

Comment: HHS/CDC also received comments asking to end the temporary suspension of dogs entering the United States from countries with a high risk of rabies.¹⁹⁰

Response: HHS/CDC notes that these comments are outside the scope of the proposed rulemaking which did not solicit any comments or propose changes to the temporary suspension. However, HHS/CDC clarifies that the purpose of this rulemaking is to mitigate the need for future suspensions by reducing the likelihood of DMRVV being reintroduced into the United States. HHS/CDC further intends to let the temporary suspension expire on July 31, 2024. These comments are beyond the scope of this final rule.

Comment: HHS/CDC received comments about focusing efforts on other areas rather than this rulemaking such as vaccinating immigrants or "illegal immigrants," addressing drug trafficking, addressing human trafficking, and working to prevent the next pandemic.

Response: HHS/CDC notes that these comments are outside the scope of the proposed rulemaking, which is focused on dog and cat importation.

E. General Comments Relating to DMRVV High-Risk Countries

Comment: HHS/CDC received a number of comments stating that too many countries were on the DMRVV high-risk country list. Commenters also requested that HHS/CDC make publicly available the data used to determine the DMRVV high-risk list.

Response: HHS/CDC notes that none of the comments it received questioned HHS/CDC's proposed definition for DMRVV high-risk countries, which HHS/CDC proposed to define as "countries determined by the Director as having high risk for DMRVV transmission based on factors such as the presence and geographic distribution of the virus or low quality of or low confidence in rabies surveillance systems or dog vaccination programs." Rather, these comments

were directed solely at the number of countries that are categorized as high-risk, how the list is compiled, and the criteria used to develop the list. There are over 100 countries currently on the DMRVV high-risk country list which reflects the fact that rabies is a neglected tropical disease. Neglected tropical diseases (NTDs) are a diverse group of conditions caused by a variety of pathogens (including viruses, bacteria, parasites, fungi and toxins) and are associated with devastating health, social, and economic consequences. NTDs are mainly prevalent among impoverished communities in tropical areas, although some have a much larger geographical distribution.¹⁹¹

The robust rabies control programs present in the United States do not exist in many other countries due to a variety of factors, such as access to veterinary care, sufficient infrastructure to support adequate vaccination, and lack of veterinarians or animal support staff trained to vaccinate animals.¹⁹² Many DMRVV high-risk countries do not have adequate rabies surveillance and testing capacity and therefore do not report cases to WOA even though rabies is widespread within their country. For example, in 2021 only 35 countries reported rabies case data to WHO and none reported on the number of suspected cases that underwent testing. Until countries report complete data routinely, relying on international organizations' data to make risk determinations will remain problematic. A lack of rabies surveillance data is more likely to reflect a poor public health infrastructure for rabies case detection within a country than the absence of rabies.

CDC evaluates and updates the DMRVV high-risk country list every year and posts the updated list on CDC's website by April 1. For this annual country risk assessment, CDC subject matter experts review publicly available data, including data from international organizations (including the World Health Organization (WHO); the WHO Rabies Bulletin—Europe; the Pan-American Health Organization, and WOA); published government reports; scientific publications; and outbreak report alerts such as ProMED,¹⁹³ as well

as information provided by national and international rabies experts. HHS/CDC will also review the information and reassess a country's status when presented with additional substantial data to support canine rabies-free status by a foreign country's officials. Lastly, CDC has published the criteria for how it determines a country's classification as a high-risk, low-risk and DMRVV-free country in a peer-reviewed journal which is publicly available.^{194 195}

Comment: HHS/CDC received questions asking why HHS/CDC's DMRVV high-risk country list differs from those used by other countries, including the European Union.

Response: HHS/CDC notes that it is not unusual for different countries to use different methods, criteria, or data for determining a country's rabies risk level. CDC's list is very similar and closely aligns with the lists used by the EU, Australia, New Zealand, and Canada. However, HHS/CDC notes that the entry requirements for dogs from DMRVV high-risk countries differ significantly for the EU and Australia because those countries having stricter entry requirements than those outlined in this final rule. CDC's method for developing the high-risk country list is described in detail above.

Comment: HHS/CDC received questions asking why CDC's list of approved laboratories differs from the laboratories on the EU list. Commenters also noted there were limited or no laboratories in certain regions of the world, or that shipping samples was cost prohibitive and challenging. Commenters noted the lack of CDC-approved laboratories in Asia, Africa, and South America was discriminatory toward U.S. citizens and tourists from those regions.

Response: CDC acknowledges that there are limited or no laboratories in certain regions of the world. For this reason, CDC has included the option to quarantine at an ACF if they cannot obtain a titer for their dog. Prior to 2022, the Nancy Laboratory for Rabies and Wildlife which is part of the French Agency for Food, Environmental and Occupational Health Safety (ANSES) conducted the global proficiency testing

Society for Infectious Diseases and is available at <https://promedmail.org/>.

¹⁹⁴ Henry RE, Blanton JD, Angelo KA, Pieracci EG, Stauffer K, et al. A country classification system to inform rabies prevention guidelines and treatment. *Journal of Travel Medicine*, 2022;29(4):taac046. doi: 10.1093/jtm/taac046. PMID: 35348741.

¹⁹⁵ Minhaj FS, Bonaparte SC, Boutelle C, Wallace RM. Analysis of available animal testing data to propose peer-derived quantitative thresholds for determining adequate surveillance capacity for rabies. *Scientific Reports* 2023; 13: 3986.

¹⁹⁰ CDC. Extension of temporary suspension of dogs entering the United States from countries with a high risk of rabies. 88 FR 43570 (July 10, 2023): 43570–43581.

¹⁹¹ World Health Organization. www.who.int/news-room/fact-sheets/detail/rabies.

¹⁹² Wallace RM, Undurraga EA, Blanton JD, Cleaton J, Franka R. Elimination of Dog-Mediated Human Rabies Deaths by 2030: Needs Assessment and Alternatives for Progress Based on Dog Vaccination. *Front Vet Sci*. 2017 Feb 10;4:9. doi: 10.3389/fvets.2017.00009. PMID: 28239608; PMCID: PMC5300989.

¹⁹³ The Program for Monitoring Emerging Diseases (ProMED) is a program of the International

program for rabies serology laboratories worldwide. CDC uses the ANSES-approved rabies laboratory list, excluding several laboratories that have been associated with fraudulent titers resulting in the importation of rabid dogs into rabies-free countries. Laboratory proficiency testing is an essential tool for helping to ensure that a laboratory gets its results right. Proficiency testing allows participating laboratories to compare their results and performance with their peers across the world. It helps to identify testing or measurement problems. A proficiency testing program is critical to ensure laboratories are qualified to test samples to ensure the results they produce are valid. In the case of rabies serology laboratories, it is imperative that an animal that receives a passing titer—which can suggest that an animal is protected against rabies virus infection—is truly protected from infection. CDC is working to establish a proficiency testing program to further expand the current list of CDC-approved laboratories. CDC intends to work with laboratories to enhance coverage and accessibility.

HHS/CDC will add laboratories that have successfully completed ANSES proficiency testing (or other CDC-approved proficiency testing equivalent) to the CDC-approved laboratory list (assuming they have not issued fraudulent titers). Additionally, HHS/CDC recognizes there are currently three ANSES-approved labs in the United States. Due to the limited availability of approved laboratories in some countries, CDC strongly encourages U.S. citizens have their dogs vaccinated against rabies while in the United States before traveling, and submit a titer to a U.S. laboratory while in the United States to minimize cost and shipping challenges, and ensure U.S. citizens can return to the United States with their dogs after traveling to a DMRVV high-risk country for a prolonged period of time (*i.e.*, when their U.S.-issued rabies vaccination may be expired). HHS/CDC notes that the requirement for titers is a WOA standard for the international movement of any dog that has been in a DMRVV high-risk country; therefore, HHS/CDC disagrees that the final rule is discriminatory toward U.S. citizens and tourists.

Comment: Other commenters asked that HHS/CDC only use the number of cases of human and dog rabies for a country to determine the DMRVV high-risk list because only countries that report cases of rabies in humans and/or dogs should be considered high-risk.

Response: HHS/CDC disagrees with this request because many DMRVV

high-risk countries do not have adequate rabies surveillance and testing capacity and therefore do not report cases to WOA even though rabies is widespread within their country. For example, in 2021 only 35 countries reported rabies case data to WHO and none reported on the number of suspected cases that underwent testing. Until countries report complete data routinely, relying on international organizations' data to make risk determinations will remain problematic. A lack of rabies surveillance data is more likely to reflect a poor public health infrastructure for rabies case detection within a country than the absence of rabies.

As discussed above, there are over 100 countries currently on the DMRVV high-risk country list which reflects the fact that rabies is a neglected tropical disease.¹⁹⁶ The robust rabies control programs present in the United States do not exist in many other countries due to a variety of factors, such as access to veterinary care, sufficient infrastructure to support adequate vaccination, and lack of veterinarians or animal support staff trained to vaccinate animals.¹⁹⁷ CDC evaluates and updates the DMRVV high-risk country list every year and posts the updated list on CDC's website by April 1. For this annual country risk assessment, CDC subject matter experts review publicly available data, including data from international organizations (including the World Health Organization (WHO); the WHO Rabies Bulletin—Europe; the Pan-American Health Organization, and WOA); published government reports; scientific publications; and outbreak report alerts such as ProMED,¹⁹⁸ as well as information provided by national and international rabies experts. CDC has published the criteria for how it determines a country's classification as a high-risk, low-risk and DMRVV-free country in a peer-reviewed journal which is publicly available.^{199 200} HHS/

¹⁹⁶ World Health Organization. www.who.int/news-room/fact-sheets/detail/rabies.

¹⁹⁷ Wallace RM, Undurraga EA, Blanton JD, Cleaton J, Franka R. Elimination of Dog-Mediated Human Rabies Deaths by 2030: Needs Assessment and Alternatives for Progress Based on Dog Vaccination. *Front Vet Sci*. 2017 Feb 10;4:9. Doi: 10.3389/fvets.2017.00009. PMID: 28239608; PMCID: PMC5300989.

¹⁹⁸ The Program for Monitoring Emerging Diseases (ProMED) is a program of the International Society for Infectious Diseases and is available at <https://promedmail.org/>.

¹⁹⁹ Henry RE, Blanton JD, Angelo KA, Pieracci EG, Stauffer K, et al. A country classification system to inform rabies prevention guidelines and treatment. *Journal of Travel Medicine*, 2022;29(4):taac046. Doi: 10.1093/jtm/taac046. PMID: 35348741.

CDC also believes that countries will be more motivated to share their rabies surveillance data to be removed from the DMRVV high-risk list, which will result in improved rabies global surveillance.

Comment: Some commenters expressed concerns that sudden changes to the DMRVV high-risk country list could result in animals being abandoned overseas.

Response: In HHS/CDC's experience, such concerns are unfounded. Since the inception of the list in 2018, only one country has been added to the list, which was based on a widespread outbreak of DMRVV along a porous international border. CDC has, however, removed multiple countries after they demonstrated improvement in their rabies control programs (moving the countries from DMRVV high-risk to DMRVV low-risk or DMRVV-free status). Additionally, if a country were to be added to the DMRVV high-risk country list, CDC would publish the information on its website and allow for a transition period which would provide importers sufficient time to come into compliance with new importation requirements for dogs arriving from that country. HHS/CDC further encourages people intending to travel to the United States to review the DMRVV high-risk list before traveling and maintain a valid rabies vaccination record and titer (if required) for the dog they wish to bring into the United States.

Comment: HHS/CDC also received comments that it should not maintain a list or differentiate between DMRVV-free, DMRVV low-risk and DMRVV high-risk countries because all imported dogs should be subject to the same requirements regardless of the endemicity of DMRVV within a country. Some comments included statements that any imported dog potentially poses a public health threat and could threaten the health of the U.S. domestic dog population.

Response: HHS/CDC appreciates these comments and recognizes there could be challenges in confirming whether a dog has been only in DMRVV-free or DMRVV low-risk rabies countries during the six months prior to the dog's arrival in the United States. HHS/CDC further acknowledges that some importers have, in the past, moved dogs from DMRVV high-risk countries to DMRVV-free countries solely to circumvent HHS/CDC entry

²⁰⁰ Minhaj FS, Bonaparte SC, Boutelle C, Wallace RM. Analysis of available animal testing data to propose peer-derived quantitative thresholds for determining adequate surveillance capacity for rabies. *Scientific Reports* 2023; 13: 3986.

requirements. HHS/CDC defines risk based on the dog's country of origin (or countries the dog has been present in during the previous six months), the risk of rabies within countries (based on endemicity and rabies control programs), and the dog's vaccination status (U.S.- vs. foreign-vaccinated). Although HHS/CDC acknowledges that holding all imported dogs to one standard could theoretically reduce the burden of confirming a dog's country of origin, the final rule does not adopt this approach because it would be unduly burdensome for importers arriving with dogs from countries that have demonstrated adequate control of DMRVV.

Comment: HHS/CDC received three comments specific to Ecuador's inclusion on the DMRVV high-risk list and one comment specific to Ukraine's inclusion on the DMRVV high-risk list.

Response: Ecuador and Ukraine are on the DMRVV high-risk list because they currently meet HHS/CDC's criteria for inclusion on the DMRVV high-risk list.

As noted above, CDC evaluates and updates the DMRVV high-risk country list annually and posts the updated list on CDC's website by April 1. CDC subject matter experts review publicly available data, including data from international organizations (including the WHO; the WHO Rabies Bulletin—Europe; the Pan-American Health Organization, and WOA); published government reports; scientific publications; and outbreak report alerts such as ProMED,²⁰¹ as well as information provided by national and international rabies experts. HHS/CDC will also review the information and reassess a country's status when presented with additional substantial data to support canine rabies-free status by a foreign country's officials. Lastly, CDC has published the criteria for how it determines a country's classification as a high-risk, low-risk and DMRVV-free country in a peer-reviewed journal which is publicly available.^{202 203} HHS/CDC continues to review its list of DMRVV high-risk countries annually

and will update the listed based on available data.

F. Comments Relating to the Economic Impact of the Proposed Rule

Comment: HHS/CDC received a number of comments stating the economic impact analysis underestimated the cost to importers. Some commenters reported facing higher costs relative to estimates included in the NPRM and provided additional cost information relevant to the analysis. HHS/CDC received a number of comments around the cost for post-arrival follow-up at ACF and the costs for transporting dogs as cargo, which is required by some U.S. ports with ACF.

Response: HHS/CDC considered these comments and notes that it is challenging to extrapolate costs incurred by some importers to generate the average cost of importation for an estimated 800,000 dogs per year. HHS/CDC increased the average cost estimate for post-arrival care at ACF to \$900 per dog with a range from \$500 to \$1,300. These costs depend in part on how many dogs arrive in a shipment such that if more dogs arrive in a single shipment, the cost per dog would be less. HHS/CDC does not require any dogs to be shipped as cargo; this decision may be made by some U.S. ports as part of their working relationships with ACF and the CBP Port Director. HHS/CDC acknowledges that such a requirement would increase costs for some importers. Both of these costs (ACF prices and need to ship dogs as cargo) would only be incurred by the subset of foreign-vaccinated dogs imported from DMRVV high-risk countries. However, the additional costs associated with shipping via cargo would only apply to importers who would have hand-carried their dogs or checked them as baggage without this requirement and arrive at a U.S. port with the cargo shipping requirement. The average costs associated with shipping dogs as cargo are estimated to be \$2,000 (range: \$1,500 to \$2,500)²⁰⁴

compared to an average of \$300 (range: \$200 to \$400) for dogs shipped as hand-carried or checked baggage. Under the regulatory baseline, HHS/CDC assumes 25%, range: 17% to 50% of dogs going to ACF are shipped as cargo. With the final rule, HHS/CDC assumes that 60%, range: 60% to 70% of dogs going to ACF will be shipped as cargo. HHS/CDC also increased the cost estimate associated with the need for importers of foreign-vaccinated dogs from high-risk countries to arrive at authorized U.S. ports with ACF to a range of between \$292 and 984 per dog shipment.

Comment: HHS/CDC received a comment inquiring about the estimated costs incurred by different categories of importers with the final rule. HHS/CDC received a request to provide separate cost estimates for deployed Federal employees.

Response: HHS/CDC does not have a specific cost breakdown per category of importer but believes that costs would be most impacted by the foreign country from which importers choose to import dogs and not by the category of importer. The costs to importers would primarily depend on whether dogs are imported from DMRVV high-risk countries versus DMRVV-free or low-risk countries and from which specific countries importers choose to import dogs. Even among dogs imported from DMRVV high-risk countries, the costs would depend on whether the dog was vaccinated in the United States or vaccinated in a foreign country. The costs to Federal employees would then depend on whether they are deployed to DMRVV high-risk countries and whether they had their dogs vaccinated in the United States prior to deploying to the high-risk DMRVV country. For commercial importers, their costs would depend on which foreign countries they choose to import dogs. If commercial importers currently import dogs from DMRVV high-risk countries, their future costs will depend on whether they could shift their operations to instead import dogs from DMRVV-free or low-risk countries.

²⁰¹ The Program for Monitoring Emerging Diseases (ProMED) is a program of the International Society for Infectious Diseases and is available at <https://promedmail.org/>.

²⁰² Henry RE, Blanton JD, Angelo KA, Pieracci EG, Stauffer K, et al. A country classification system to inform rabies prevention guidelines and treatment. *Journal of Travel Medicine*. 2022;29(4):taac046. Doi: 10.1093/jtm/taac046. PMID: 35348741.

²⁰³ Minhaj FS, Bonaparte SC, Boutelle C, Wallace RM. Analysis of available animal testing data to propose peer-derived quantitative thresholds for determining adequate surveillance capacity for rabies. *Scientific Reports* 2023; 13: 3986.

²⁰⁴ Feathers and Fur Express (2023) How much does it cost to fly a pet/s internationally? International Pet Shipping Costs—Feathers & Fur Express (ffexpresspets.com). Accessed November 10, 2023. Note that the costs reported in this reference include cargo shipping costs to Germany, the United Kingdom, Japan, and Australia. The reference includes costs for small and large dogs shipped to each country. Costs are much higher for larger dogs or for dogs shipped over longer distances. The highest costs were for Australia, which may be more representative of shipping costs from DMRVV high-risk countries in Africa. The European costs may be similar to shipping costs for dogs imported from DMRVV high-risk countries in Europe or Central America or South America. The costs for Japan may be similar to costs for DMRVV

high-risk countries in Asia. The simple average cost across the four countries and dog sizes is \$1,931 in 2023 USD. This would correspond to \$1,622 in 2020 after adjustment with the consumer price index: CPI Inflation Calculator ([bls.gov](https://www.bls.gov)). The most likely estimate is increased to \$2,000 in case the costs to importers from DMRVV high-risk countries would be higher than for the countries for which data are available. This increase from \$1,600 to \$2,000 would also allow some importers to choose to hire shippers to facilitate the importation process or brokers to support customs clearance. The need to hire shippers may be reduced by the need to visit CDC-registered ACF, who may be able to review documentation in advance of arrival when reservations are made.

The average estimated marginal cost of the final rule to importers of dogs from DMRVV-free or low-risk countries is \$23 per dog (range \$7.70 to \$48 per dog). In contrast, the average estimated marginal cost for dogs from DMRVV high-risk countries is \$870 per dog (range \$260 to \$2,400 per dog). These cost estimates are net of the costs estimated under the regulatory baseline. Among dogs from DMRVV high-risk countries, the costs depend on whether the dog was vaccinated in the United States (estimated average marginal cost per dog range: \$15 to \$73 per dog) or another country (estimated average marginal cost per dog range: \$910 to \$3,800 per dog). Finally, among foreign-vaccinated dogs from DMRVV high-risk countries, the costs to importers are likely to vary considerably depending on the country from which dogs would be imported, which will influence costs associated with obtaining titer tests and shipping costs (especially for dogs arriving as cargo).

The estimates reported above represent the average cost per dog for each type of dog import in the first year of implementation. The estimated cost per dog is expected to decrease slightly in subsequent years depending on the introduction of more HHS/CDC-registered ACF and CDC-approved laboratories. However, the costs faced by any individual importer may be higher than these average cost estimates. The most complete data on the countries from which dogs were imported prior to the temporary suspension is for dogs shipped as cargo. HHS/CDC only has data for dogs that are imported as cargo. During 2018 through 2020, about 75% of these dogs arrived from four countries: Ukraine, Colombia, Russia, and China, in order. Almost of half (47%) of dogs arrived from two countries (Ukraine and Colombia) among dogs imported from DMRVV high-risk countries as cargo. The dogs imported from these countries may have lower costs than dogs imported from DMRVV high-risk countries because these countries either have a CDC-approved laboratory or share a border with a country with an approved laboratory.

In addition, HHS/CDC updated the cost estimates for importers from DMRVV-free or low-risk countries by accounting for the additional costs associated with being unable to import dogs younger than six months of age at land borders. The costs associated with the requirement for proof that a dog has been only in DMRVV low-risk or DMRVV-free countries have increased because HHS/CDC added more examples of the types of proof required.

Each type of document requires certification by a USDA or foreign official government veterinarian. Examples include: (a) a valid foreign export certificate from a DMRVV-free or DMRVV low-risk country that has been certified by an official government veterinarian in that country; (b) a USDA export certificate if the certificate is issued to allow the dogs to travel to a DMRVV-free or DMRVV low-risk country, (c) a valid *Certification of Foreign Rabies Vaccination and Microchip* form if completed in a DMRVV-free or DMRVV low-risk country, or (d) a valid *Certification of U.S.-Issued Rabies Vaccination* form. These documents are often required for individuals to travel internationally with their pets but are not required for travel to Canada or Mexico. These documents may be used as long as they specify travel to or from the country from which a dog is imported. Individuals who frequently travel to and from Canada and Mexico (or any other country) can obtain a valid *Certification of U.S.-Issued Rabies Vaccination* form, which will remain valid for multiple trips for up to three years corresponding to the duration of protection for dog rabies vaccines.

HHS/CDC also accounted for the reduction in costs associated with a dog only needing one titer test during its lifetime if a dog is imported more than once from a DMRVV high-risk country and maintains a current rabies vaccination. HHS/CDC also accounted for the reduction in transportation costs for U.S.-vaccinated dogs imported from DMRVV high-risk countries, which will no longer have to arrive at U.S. ports with CDC quarantine stations. HHS/CDC did not revise estimates for titer shipment costs but notes that, per technical instructions being published in conjunction with this rule, a single titer test will be valid for a dog's lifetime (provided the dog remains current with rabies vaccinations). The cost for shipping may be reduced since importers may obtain the titer test at any time. This change may allow some importers to pool samples for shipment to HHS/CDC-approved laboratories to reduce their costs.

In general, importers of dogs originating from African countries may face higher costs to comply with the requirements finalized in this rule because there are fewer HHS/CDC-approved laboratories on this continent, which would increase the costs for importers to ship samples for titer testing or require quarantine if a titer test cannot be conducted. However, it is challenging to extrapolate costs from individual situations to the total costs

for imported dogs from DMRVV high-risk countries because HHS/CDC lacks data on both the total number of dogs imported as well as the proportion of dogs imported from each DMRVV high-risk country. HHS/CDC acknowledges that individual importers may face higher costs than those estimated for the average cost estimates and that importers of foreign-vaccinated dogs from DMRVV high-risk countries will face higher costs than other importers. This group faces higher costs because the dogs they import present a greater risk of DMRVV importation and thus require more substantial and costly measures to mitigate that elevated risk.

HHS/CDC believes the cost per dog estimates presented above would apply to deployed Federal government employees and that their costs to import dogs would be similar as for other dog importers within each category (*i.e.*, importers of dogs from DMRVV-free or low-risk countries, importers of U.S.-vaccinated dogs from DMRVV high-risk countries, or importers of foreign-vaccinated dogs from DMRVV high-risk countries). Deployed Federal government employees may be able to reduce their costs by vaccinating their dogs in the United States and obtaining a *Certification of U.S.-issued Rabies Vaccination* form prior to departing the United States. As noted above, the costs for U.S.-vaccinated dogs imported from DMRVV high-risk countries are much less than for foreign-vaccinated dogs. The *Certification of U.S.-issued Rabies Vaccination* form will remain valid for three years after a dog receives a three-year rabies vaccine in the United States. Dog rescue organizations operating in DMRVV high-risk countries would face the highest costs assuming all of their dogs would be foreign-vaccinated (and not U.S.-vaccinated). However, as noted above, the last four dogs imported while infected with DMRVV were rescue dogs from DMRVV high-risk countries. Thus, this category of importer likely poses the greatest public health risk.

Comment: HHS/CDC received some comments that the changes proposed in the NPRM and finalized in this final rule underestimate the costs to airlines. The commenters did not provide further details regarding which specific costs they believed HHS/CDC had underestimated.

Response: In the NPRM, HHS/CDC attempted to estimate the costs to airlines but lacked data on the potential costs to airlines for additional document review and to create bills of lading. HHS/CDC did not receive specific comments requesting refinement of these cost estimates but understands that airlines may believe the cost

estimates are too low. In the NPRM, HHS/CDC estimated that the costs to airlines for document review and processing would include an additional five minutes per dog from DMRVV-free or low-risk countries and 15 minutes per dog from DMRVV high-risk countries. This resulted in an estimate of about \$3.2 million (range: \$1.3 to \$6.6 million) to airlines.

In the analysis in the final rule, CDC increased the estimated costs to airlines by 100% for dogs imported from DMRVV-free or low-risk countries and by 50% for dogs imported from DMRVV high-risk countries to account for a number of commenters who suggested that costs to airlines should be higher than the estimates included in the NPRM analysis. The average cost corresponds to between \$7.12 to \$20.42 per dog transported as a result of the provisions of this final rule. This amount should not significantly impact airlines' costs to transport dogs on international flights. On an individual dog basis, the greatest costs would be incurred when dogs are denied entry to the United States and abandoned by an importer. However, this would only occur for a small proportion of the dogs transported, and HHS/CDC believes the additional requirements included in this final rule should reduce the number of dogs denied entry by requiring airlines to confirm documentation before boarding dogs and by requiring government certification of rabies vaccination documentation. The use of standardized forms should facilitate and streamline review of rabies vaccination documentation. This will be the primary new requirement for U.S.-vaccinated dogs. The review of documentation for foreign-vaccinated dogs is greater, and CDC will develop guidance to support airlines in reviewing these new documentation requirements. Further, the final rule will provide stability to requirements relative to the temporary suspension. Finally, the annual costs to airlines for abandoned dogs was estimated to be between \$42,000 and \$650,000 per year. Assuming the number of dogs denied entry with the final rule is less than under the baseline, the costs to airlines for assuming responsibility for abandoned dogs should decrease.

Comment: One commenter stated \$400,000 is not that much money to conduct a rabies investigation when HHS/CDC gave \$455,151,295 in funding to the State of Kansas, for example, in fiscal year 2021.

Response: HHS/CDC disagrees with this statement and the characterization of State and local public health resources. With regard to the example of

Kansas, the funding Kansas (and other states) received from HHS/CDC in 2021 was primarily for COVID-19 response efforts. Kansas only received \$2.1M in core public health funding for 2021²⁰⁵ which means a single imported rabid dog event could have a substantial adverse impact on the state's public health budget. States also have very limited funding dedicated to rabies control and response. In 2023, for instance, HHS/CDC awarded \$200,000 in total to U.S. jurisdictions, or approximately \$3,500 per state, for rabies response activities, which is not enough to cover the cost of a typical rabies investigation. State health departments conduct a multitude of activities with HHS/CDC funds and the cost associated with a rabid dog investigation are additional costs for which the states do not receive routine funding. The funding limitations in local jurisdictions can be even more significant than those at the State level.

Comment: Some commenters suggested that the costs of this final rule exceed the potential benefits associated with mitigating the risk of DMRVV reintroduction to the United States. Specially, other commenters suggested that the costs to importers of personal pets were too high because the four most recent imports of dogs from DMRVV high-risk countries with rabies were by animal rescues.

Response: HHS/CDC disagrees that the costs of this final rule exceed the potential benefits or that the final rule is overly burdensome on importers of personal pets. The cost of public health investigations following the importation of rabid dogs is estimated to be between \$210,000 and \$510,000. While this cost is much less than the estimated annualized net cost of this rule (best estimate: \$57 million, range: \$12 to \$203 million), the main benefit is a significant reduction in the risk of DMRVV reintroduction in the United States. This is a low-probability, but high-consequence outcome, which could significantly increase DMRVV costs in the United States, especially if reintroduction was associated with an increase in human rabies cases. As noted above, when DMRVV found in Mexico began spreading in U.S. coyote populations, it spread to wildlife and dogs in Texas where DMRVV had been previously eliminated in dogs. Wildlife and domestic dog vaccination programs were implemented over the period from 1995 through 2003, costing more than \$56 million (in 2023 USD) to eliminate

the virus; before the virus was eliminated, two people died from DMRVV.²⁰⁶ 207 208 The potential costs and the number of human rabies cases during a future reintroduction of DMRVV are difficult to predict in advance and would depend on how the virus would be transmitted to wildlife species and the contact rates between infected animals and humans.

Malaysia provides a pertinent example of the risks of DMRVV reintroduction. Malaysia had been declared DMRVV-free, but the virus was reintroduced around 2017. Despite a large public health response, DMRVV has not yet been eliminated in Malaysia and 45 people have died after having been infected between 2017 and 2022.²⁰⁹ The probability of DMRVV reintroduction in the United States is likely to be much less than in Malaysia, which shares a land border with Indonesia, which is a DMRVV high-risk country. However, the potential risk for the United States would increase if the U.S. dog rabies vaccination rates were to decrease or if the number of imported DMRVV-infected dogs from DMRVV high-risk countries were to increase. The requirements included in this final rule would reduce the risk of importations of DMRVV-infected dogs.

While the estimated monetized costs of this final rule significantly exceed estimated monetized benefits, HHS/CDC was not able to monetize the potential benefits associated with reducing the risk of re-introduction of DMRVV in the United States. This could increase costs for dogs traveling from the United States to DMRVV-free countries for all dogs leaving the United States. This would include dogs that later return to the United States. These costs would be in addition to any public health response efforts as discussed above when DMRVV was re-introduced from Mexico to Texas.

HHS/CDC also disagrees that the final rule is overly burdensome on importers

²⁰⁶ CDC. Human Rabies—Alabama, Tennessee, and Texas, 1994. *MMWR* 1995; 44(14): 269–272.

²⁰⁷ Sidwa, T., Wilson, P., Moore, G., Oertli, E., Hicks, B., Rohde, R., Johnston, D. (2005). Evaluation of oral rabies vaccination programs for control of rabies epizootics in coyotes and gray foxes: 1995–2003. *Journal of the American Veterinary Medicine Association*, 227(5), 785–92. doi: 10.2460/javma.2005.227.785.

²⁰⁸ Sterner, R., Meltzer, M., Shwiff, S., Slate, D. (2009). Tactics and Economics of Wildlife Oral Rabies Vaccination, Canada and the United States. *Emerging Infectious Diseases*, 15(8), 1176–1184. doi: 10.3201/eid1508.081061.

²⁰⁹ Tuah L., Sabri MSM, Hashim M, Hashim M. (Dec. 8, 2022) Spatial Risk Assessment on Spread of Dog-Mediated Rabies in Sarawak. SEACFMD Joint EpiNet and LabNet Virtual meeting. https://rr-asia.woah.org/wp-content/uploads/2022/12/4-seacfmd_mcds-spatial-risk-assessment-on-rabies-in-sarawak.pdf. Accessed November 9, 2023.

²⁰⁵ CDC Epidemiology and Laboratory Capacity 2021 funding table. Available at: www.cdc.gov/elc/funding/2021-funding-table.html.

of personal pets considering the enforcement burden involved in attempting to distinguish between different types of importers. Although it appears that the risks associated with personal pets may be less than for dogs imported for adoption or resale, HHS/CDC has limited ability to verify which dogs are imported as personal pets versus which dogs are imported as rescue or for resale because it is not unusual for importers to misrepresent the reasons why they are importing a dog into the United States. As discussed above, owners of personal pet dogs who travel from the United States to a DMRVV high-risk country will incur significantly less cost if they obtain a three-year vaccine prior to departure and a *Certification of U.S.-Issued Rabies Vaccination*. This would reduce costs for some importers of personal pets.

Comment: HHS/CDC received many comments from breeders and breed enthusiasts reporting that the costs to import dogs from DMRVV-free or low-risk countries would increase as a result of the six-month age requirement. Other breeders and enthusiasts did not mention an increase in costs, but suggested the change in regulations would reduce the number of exporters willing to send dogs to the United States, which would decrease genetic diversity.

Response: HHS/CDC disagrees that costs for breeders and breed enthusiasts importing dogs from DMRVV-free or low-risk countries will increase as a result of the six-month age requirement because most breeders should already be complying with this requirement. Breeders frequently import dogs for rescue, rescue, adoption, or transfer of ownership, which are defined by USDA as commercial importations. USDA regulations already require that commercially imported dogs be six months or older. In addition, because dogs under six months of age are sexually immature and cannot be used for breeding, delaying their importation will not negatively impact their use as breeding animals. Thus, HHS/CDC did not consider this as a change to the regulatory baseline.

HHS/CDC also believes that the six-month age requirement helps protect the health and safety of all dog breeds because dogs that are at least six months old or older are better able to endure the stresses of international travel (e.g., long travel times, temperature fluctuations, oxygen or altitude changes, and food/water deprivation). The six-month age requirement for importation will further reduce the burden on Federal and State government agencies of conducting public health investigations. Any time a

dog becomes ill or dies during international travel, regardless of country of import, Federal and State government agencies must conduct public health investigations to ensure the animal is not infected with a zoonotic disease that could be transmitted to people (or did not die from a zoonotic disease). These investigations take considerable resources away from other public health priorities. Therefore, because the six-month age requirement helps ensure that dogs are less stressed during international travel and arrive in a healthier state, the burden on Federal and State government agencies of conducting public health investigations should be reduced.

While HHS/CDC acknowledges that this comment was specific to dogs from DMRVV-free countries, HHS/CDC notes that breeders and commercial importers were adept at responding to changes in import requirements established during the period of the temporary suspension and that this rule adopts many of those same practices. HHS/CDC believes that the benefits in improved animal health and public health strongly support this rulemaking.

G. Other Comments

Comment: Some commenters suggested that the proposed rule would result in an increase in pet abandonment in foreign countries and/or at U.S. ports for dogs that do not meet HHS/CDC entry requirements.

Response: HHS/CDC disagrees with these commenters. Throughout the temporary suspension, which has had similar importation requirements in place, HHS/CDC did not document an increase in pets being abandoned by importers at U.S. ports. HHS/CDC does not track the number of dogs abandoned in foreign countries. Although HHS/CDC appreciates the efforts of animal rescue organizations in foreign countries, HHS/CDC's mandate is the protection of human lives and prevention of the consequences that the reintroduction of DMRVV could have on people, pets, and wildlife populations in the United States. Additionally, HHS/CDC has no reason to believe that the final rule will increase animals abandoned in foreign countries because it expects importers to adapt to the new regulatory requirements which align with, but are less burdensome than, WOA standards. Thus, an exemption is not needed.

Comment: HHS/CDC received comments that the proposed rule seeks to enrich vaccine and microchip manufactures as well as the ACF, and that ACF fees are too high. One

comment asked, "Who has shares in microchip companies and Rabies vaccine manufacturers?"

Response: HHS/CDC disagrees with this comment. The intent of this rulemaking is to protect public health—not to enrich private companies. Vaccination is broadly recognized by international health experts, including the World Health Organization and WOA, as essential to the effective prevention and control of rabies.²¹⁰ Microchips are one of the only ways to confirm the identity of a dog and match the vaccination and titer documents to the animal presented for importation. While other permanent identification methods, such as tattoos, do exist, they are subject to alteration and fading, creating opportunities for importers to falsify documents to circumvent entry requirements. Microchipping is a key component required for the international movement of animals, including livestock, zoo animals, wildlife, and pets. It is an international standard required by other countries for the importation of pets and is also a WOA standard for the international movement of dogs, cats, and ferrets. Regarding fees, HHS/CDC does not set prices charged by privately owned and operated businesses, including manufacturers of vaccines, microchips, or ACF. Although HHS/CDC acknowledges some costs such as vaccination and examination of dogs at the ACF may be higher than those charged by other providers (U.S. average \$86²¹¹ vs. ACF average \$208), it has found that other fees such as those for boarding (U.S. average \$40–\$280/night²¹² vs. ACF average \$137/night) are comparable with those charged by other providers.

Comment: HHS/CDC received 14 comments suggesting that the proposed rule would make it more difficult for breeders and breed enthusiasts to import rare dog breeds and prevent inbreeding in U.S. dog populations through the importation of dogs from other countries.

Response: Although HHS/CDC acknowledges that the final rule will result in additional requirements to

²¹⁰ World Health Organization. Prevent Rabies by Vaccination. Available at: www.who.int/activities/vaccinating-against-rabies-to-save-lives.

²¹¹ Kilroy, A. How much do dog vaccinations cost? March 29, 2023. Available at: www.forbes.com/advisor/pet-insurance/pet-care/how-much-do-dog-vaccinations-cost/.

²¹² Kilroy, A. How much does a vet visit cost? March 29, 2023. Available at: www.forbes.com/advisor/pet-insurance/pet-care/how-much-does-vet-visit-cost/.

²¹³ Coy, W. How much does dog boarding cost? Available at: www.rover.com/blog/how-much-does-dog-boarding-cost/.

import dogs from high-risk countries and will prevent breeders and breed enthusiasts from importing dogs under six months of age, these difficulties do not outweigh the benefits to U.S. public health. HHS/CDC believes that, in addition to protecting public health by ensuring all imported dogs are adequately protected against rabies, the rule will likely better ensure the health of dogs during international travel and prior to their release into the United States. As noted above, international travel is stressful for animals and can result in illness and death in young animals or specialty breeds (e.g., snub-nosed breeds, hairless breeds) that cannot compensate for the stresses they undergo (length of travel time, temperature fluctuations, oxygen or altitude changes, food/water deprivation).

As noted above, the six-month age requirement for importation helps protect the health and safety of all dogs, including rare dog breeds. Since dogs under six months of age are sexually immature and cannot be used for breeding, delaying their importation will not negatively impact their use as breeding animals. Additionally, waiting until a dog is six months of age to import the dog will help ensure the safety and welfare of the dog during international travel when they are subjected to the stresses of international travel mentioned above (e.g., long travel times, temperature fluctuations, oxygen or altitude changes, and food/water deprivation). Rare dog breeds may be imported under the final rule if they meet entry requirements. Although HHS/CDC acknowledges that it lacks data to quantify whether specific types of breeds of dogs imported into the United States will change, HHS/CDC believes that the final rule is not overly burdensome in regard to dog breeders and breed enthusiasts because the final rule has strong public health benefits and will help ensure the safety and welfare of dogs engaged in international travel. Thus, an exemption is not needed.

Comment: HHS/CDC received comments that the final rule will make it harder to travel abroad with pets.

Response: HHS/CDC does not believe that the final rule is overly burdensome with regard to individuals traveling abroad with their pets in large part because the rule does not apply to animals being exported from the United States. Other countries set their own importation requirements, separate from HHS/CDC's import requirements. Additionally, HHS/CDC does not believe travel will be more difficult for importers with U.S.-vaccinated dogs

because HHS/CDC has amended the final rule to allow these importers to enter the United States at any U.S. port, rather than only at one of the 18 U.S. airports with a CDC quarantine station as proposed in the NPRM. Therefore, importers who maintain their dog's valid *Certification of U.S.-issued Rabies Vaccination* can easily return to the United States with their dog from any country through any U.S. port provided their dog is at least six months old, microchipped, and accompanied by a *Certification of U.S.-issued Rabies Vaccination* form and a *CDC Dog Import Form* receipt. Also, as noted more extensively above, the final rule aligns U.S. importation requirements with practices in other rabies-free countries while providing significant additional flexibilities relative to WOAHP importation standards to alleviate unnecessary burden on pet owners and importers.

Comment: HHS/CDC received comments stating that the NPRM was unclear and suggesting that HHS/CDC reorganize the rule into different categories, such as "Family Pets," "Online Sales and/or Commercial Sales," "Service Animals," and "Cats."

Response: HHS/CDC declines to reorganize the final rule as suggested by the commenters because it believes that the final rule is sufficiently clear and that some of the proposed categories are unneeded and would be more difficult to enforce. HHS/CDC has determined that the public health risk from dog imports is based primarily on the dog's country of origin (high-risk DMRVV countries) and vaccination status (U.S.-vs. foreign-vaccinated) and has, through this final rule, established different requirements based on these factors.

In CDC's experience, because importers frequently misrepresent the reasons why a dog is being imported, CDC cannot reliably ensure that dogs presented as "personal pets" are not being imported for other reasons, including commercial resale after the dogs have been permitted to enter the United States. For instance, USDA APHIS Animal Care (AC) currently requires dogs imported for commercial purposes to apply for and receive a USDA AC dog import permit, however, over the past several years, USDA, CDC, and CBP have documented hundreds of instances of commercial importers attempting to avoid USDA entry requirements by misrepresenting the reasons why dogs are being imported. HHS/CDC also notes that service animals are subject to the same public health risk as other dogs from DMRVV high-risk countries and that the final rule already includes a separate

provision for service animals entering through a U.S. seaport. For these reasons, HHS/CDC declines to reorganize the final rule as suggested in this comment.

Comment: HHS/CDC received a comment that the changes would make the process of dog importation more confusing, expensive, time consuming, and difficult for people without financial and educational resources.

Response: HHS/CDC acknowledges that animal transportation can be a confusing and frustrating process. However, CDC believes the changes it is implementing will reduce confusion among importers, government officials, airlines, and the animal transportation industry. For example, with CDC's implementation of standardized forms certified by official government veterinarians, CDC will be less likely to deny animals entry due to missing, incomplete, or fraudulent vaccination forms. Airline staff and CBP officers will no longer have to search through multiple documents to ascertain whether all required information for a dog is present for entry into the United States. Instead, a single form can be referenced and used to streamline the process, avoid confusion, and ensure entry requirements are met. The microchip requirement will reduce confusion and uncertainty about an animal's identity and vaccination history. Having ACF at multiple ports will provide a place for sick or injured pets to receive prompt veterinary care and will reduce an owner's stress in those unfortunate circumstances.

HHS/CDC also acknowledges there is an increased cost to importers under the final rule, however, CDC's requirements align more closely with WOAHP standards, which have already been implemented by the majority of DMRVV-free countries around the world. The additional expense associated with international animal travel is not a U.S.-phenomenon due solely to CDC's updated final rule, but rather reflects an international commitment by numerous countries to prevent DMRVV importations through enhanced entry requirements, including microchipping, certified vaccination records, serologic titers, and quarantine. HHS/CDC notes that it is limiting costs to importers by not enacting all WOAHP standards (as outlined above).

Finally, HHS/CDC plans to engage in a proactive education campaign for importers, government officials, U.S. and foreign-based veterinarians, airlines, and the animal transportation industry in order to ensure importers are aware of the new requirements. Many of the requirements under the

final rule were implemented during the temporary suspension and are therefore, already in place and are general, widespread knowledge. Importers were able to adapt quickly under the temporary suspension and CDC anticipates the same will be true of the final rule given the similarities with the requirements already in place through the temporary suspension.

Comment: HHS/CDC received comments that the proposed requirements infringe on individuals' rights and freedoms. The commenter did not specify further which individual rights and freedoms they believed would be infringed by the final rule.

Response: Because the commenter did not specify further, HHS/CDC assumes that the commenter meant to refer to due process rights that may be protected by the Fifth and Fourteenth Amendments to the U.S. Constitution. However, HHS/CDC disagree that the final rule implicates any rights or interests protected by the Due Process Clause. Where applicable, the Due Process Clause "imposes procedural constraints on governmental decisions that deprive individuals of liberty or property interests." *Nozzi v. Hous. Auth. of City of Los Angeles*, 806 F.3d 1178, 1190 (9th Cir. 2015). However, "[d]ue process protections extend only to deprivations of protected interests." *Shinault v. Hawks*, 782 F.3d 1053, 1057 (9th Cir. 2015). Because individuals have no protected property or liberty interest in importing dogs or other animals into the United States, the final rule does not infringe upon any due process rights protected by the U.S. Constitution. See *Canadera Ind. v. Block*, 727 F.2d 1156, 1160 (D.C. Cir. 1984) ("no constitutionally-protected right to import into the United States"); see also *Arjay Assoc. v. Bush*, 891 F.2d 894, 896 (Fed. Cir. 1989) ("It is beyond cavil that no one has a constitutional right to conduct foreign commerce in products excluded by Congress.").

Comment: CDC received a comment stating that "CDC is a quasi-governmental agency, it's difficult to understand the authority allowed for this proposed rule (and current rules on the books)."

Response: CDC is a U.S. government agency within HHS. The primary legal authority supporting this final rule is section 361 of the Public Health Service Act (PHS Act) (42 U.S.C. 264). Under section 361, the Secretary of HHS (Secretary) may make and enforce such regulations as in the Secretary's judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States and

from one State or possession into any other State or possession. It also authorizes the Secretary to promulgate and enforce a variety of public health regulations to prevent the spread of communicable diseases, including through inspection, fumigation, disinfection, sanitation, pest extermination, destruction of animals or articles found to be sources of dangerous infection to human beings, and other measures. Since at least 1956, Federal quarantine regulations (currently found at 42 CFR 71.51) have controlled the entry of dogs and cats into the United States.

In addition to section 361, other sections of the PHS Act relevant to this final rule are section 362 (42 U.S.C. 265), section 365 (42 U.S.C. 268), section 367 (42 U.S.C. 270), and section 368 (42 U.S.C. 271). Section 362, among other things, authorizes the Secretary to promulgate regulations prohibiting, in whole or in part, the introduction of property from foreign countries or places, for such period of time and as necessary for such purpose, to avert the serious danger of introducing communicable disease into the United States.

Comment: HHS/CDC received several comments that proposed CDC issue fines or citations against importers who violate U.S. entry requirements, present fraudulent documentation, or import rabid dogs.

Response: HHS/CDC appreciates this comment, but notes that it must rely on other U.S. Federal agencies, such as the U.S. Department of Justice, to seek criminal penalties for individuals who violate quarantine regulations, including those relating to the importation of dogs into the United States. Under section 368 of the PHS Act (42 U.S.C. 271) any person who violates regulations implementing sections 361 (42 U.S.C. 264) or 362 (42 U.S.C. 265) is subject to imprisonment of not more than one year, a fine, or both. Pursuant to 18 U.S.C. 3559 and 3571, an individual may face a fine of up to \$100,000 for a violation not resulting in death and up to \$250,000 for a violation resulting in death. Because these penalties are criminal in nature, to implement section 368, HHS/CDC would refer potential violators to the U.S. Department of Justice for criminal prosecution.

Through this final rule, HHS/CDC is also including new language advising individuals and organizations that it may request that DHS/CBP take additional action pursuant to 19 U.S.C. 1592 and 19 U.S.C. 1595a. Specifically, CDC may request that DHS/CBP issue additional fines, citations, or penalties

to importers, brokers, or carriers whenever the CDC Director (Director) has reason to believe that an importer, broker, or carrier has violated any of the provisions of this section or otherwise engaged in conduct contrary to law. HHS/CDC stresses that it does not administer Title 19, and decisions regarding whether to issue such fines, citations, or other penalties would be entirely at the discretion of DHS/CBP and subject to its policies and procedures. Notwithstanding, HHS/CDC believes it important to include this language to advise individuals and organizations that it may request that DHS/CBP pursue such actions.

Comment: HHS/CDC received comments that funding should not be spent implementing the provisions in this final rule as well as comments that the final rule will increase CDC costs and require additional staff. Another comment stated, "I do not see the CDC having staff to coordinate this quarantine process and how will it be funded? This seems like tax payers will pay the burden."

Response: This final rule implements an importation system relying on a network of privately operating ACF for the examination, revaccination, and quarantine (if necessary) of foreign-vaccinated dogs from DMRVV high-risk countries. During the temporary suspension, CDC was issuing *CDC Dog Import Permits* for foreign-vaccinated dogs from DMRVV high-risk countries. Issuing permits required costs to CDC in the form of personnel and IT services. By replacing the permitting system for foreign-vaccinated dogs from DMRVV high-risk countries with a system of ACF, CDC anticipates a reduction in costs and staff time associated with dog importation. CDC will not bear any costs for quarantining dogs. The costs of examination, revaccination, and quarantine at ACF will be paid for by the importer.

Comment: HHS/CDC also received comments suggesting that HHS/CDC should spay and neuter animals or consider spaying and neutering animals in lieu of euthanizing animals.

Response: The final rule also contains no requirements relating to imported animals being spayed or neutered because HHS/CDC does not typically regulate the control of animal populations. HHS/CDC reiterates that the rule does not require that animals be euthanized if they do not meet HHS/CDC import requirements. If an animal is not fit to travel, poses a public health risk, or would pose a risk to other animals, then the carrier must arrange for the animal to be transported to an ACF or a CDC-approved veterinary

clinic (if an ACF is not available) for either housing and treatment by a licensed veterinarian until approved by CDC for entry or denied entry to the United States and returned to its country of departure. If the veterinarian recommends humane euthanasia (*e.g.*, under circumstances where the animal is fatally ill or injured), or if this option is chosen by the importer or carrier, then the animal must be euthanized by a U.S.-licensed veterinarian in accordance with American Veterinary Medical Association guidelines. Under these circumstances, the decision to euthanize an animal is made by the animal's custodian (*i.e.*, the importer or the carrier if the importer abandons the animal) and not HHS/CDC.

Comment: HHS/CDC received 29 comments stating support for "Option 2." HHS/CDC believes "Option 2" referred to Table 4 in the NPRM, which is a "Summary Table of Important Changes to Regulatory Requirements Based on the Provisions of this NPRM and Alternatives Considered." Option 2 is described as the less restrictive option and included no age requirement, no certification of rabies vaccination forms, acceptance of titers from any lab, follow-up vaccination performed by local veterinarian in the United States, and no port of entry restrictions.

Response: HHS/CDC disagrees with the request to adopt components of "Option 2" with the exception of providing additional flexibility regarding the ports of entry at which U.S.-vaccinated dogs may arrive in the United States. This final rule allows U.S.-vaccinated dogs from DMRVV high-risk countries to enter at any U.S. port instead of only arriving via air at a U.S. airport with a CDC quarantine station as proposed in the NPRM. HHS/CDC addresses the justification for each of the remaining requirements outlined in Table 1. Additional details on the costs the lower cost and higher cost alternatives is provided in section (VIIA: Required Regulatory Analyses).

VII. Required Regulatory Analyses

A. Executive Orders 12866, 13563, and 14094

Under Executive Order 12866 (E.O. 12866), Regulatory Planning and Review (58 FR 51735, October 4, 1993), HHS/CDC is required to determine whether this regulatory action would be "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. E.O. 12866, as amended by Executive Order 14094, defines "significant regulatory action"

as an action that is likely to result in a rule:

- Having an annual effect on the economy of \$200 million or more (adjusted every 3 years by the Administrator of OIRA for changes in gross domestic product), or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or Tribal governments or communities;
- Creating a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially altering the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- Raising legal or policy issues for which centralized review would meaningfully further the President's priorities, or the principles set forth in E.O. 12866, as specifically authorized in a timely manner by the Administrator of OIRA in each case.

OMB's Office of Information and Regulatory Affairs has determined that this rulemaking is "significant" under E.O. 12866.

The provisions of this rule are not likely to have an annual effect on the economy of \$200 million or more, although there is considerable uncertainty around the number of dogs imported at baseline, including the number of dogs imported from DMRVV high-risk countries. HHS/CDC conducted an analysis to estimate the costs and benefits of the provisions of this rule relative to a regulatory baseline without any change in requirements. HHS/CDC also reports the costs and benefits of the set of lower-cost alternatives and higher-cost alternatives relative to the same regulatory baseline. HHS/CDC requested public comment on costs associated with these changes to importers, airlines, and State and local health departments to improve the accuracy of cost and benefit estimates. More details on the assumptions used to develop this analysis are included in an Appendix found in the Supplemental Materials tab of the docket.

The economic regulatory baseline is based on the provisions included in the existing 42 CFR 71.51. The baseline analysis does not incorporate the impact of the temporary suspension of dogs imported from DMRVV high-risk countries that has been in effect since July 14, 2021.²¹⁴ The economic baseline

²¹⁴ On June 14, 2021, CDC published the "Notice of Temporary Suspension of Dogs Entering the United States from High-Risk Rabies Countries." Through that notice, CDC informed the public that,

does not account for the temporary suspension but does account for a change to the definition of DMRVV-free country published in 2019.²¹⁵ This baseline is used as a comparator to assess the impact of the provisions of the final rule. The summary of the regulatory baseline is defined further in Appendix Section A3 found in the Supplemental Materials tab of the docket.

The rule addresses the market inefficiency in which dog importers do not consider or bear the potential detrimental impacts to the public's health that may result from the importation of ill dogs, especially dogs infected with DMRVV. At the societal level, this could include the reintroduction of DMRVV into the United States. Regulation at the Federal level is necessary to address the public health risk of infectious diseases from the importation of ill or unhealthy dogs. Federal action allows risks to be addressed and mitigated prior to dogs' arrival in the United States. The rule is expected to affect the following categories of interested parties and implementing partners:

- Importers of dogs from countries that are DMRVV-free or at low risk for DMRVV;
- Importers of dogs from countries that are at high risk of DMRVV;
- Airlines and other carriers;
- CBP;
- CDC;
- USDA; and
- State and local public health and animal health departments.

As discussed above, the rule incorporates different requirements depending on whether dogs are imported from DMRVV high-risk countries compared to countries that are DMRVV-free or DMRVV low-risk. Requirements for dogs from DMRVV high-risk countries are further differentiated depending on whether imported dogs have received their rabies vaccines in the United States or in another country. Foreign-vaccinated dogs imported from DMRVV high-risk countries would have to arrive at one of currently six airports with a CDC-registered Animal Care Facility. Importers of foreign-vaccinated dogs

effective July 14, 2021, it was temporarily suspending the importation of dogs from: countries classified by CDC as having high risk for DMRVV; AND countries that are NOT at high risk if the dogs have been in high-risk countries during the previous six months. See 86 FR 32041 (June 16, 2021). The suspension was extended effective June 10, 2022. See 87 FR 33158 (June 1, 2022).

²¹⁵ HHS/CDC, Guidance Regarding Agency Interpretation of "Rabies-Free" as It Relates to the Importation of Dogs Into the United States. 84 FR 724 (Jan. 31, 2019).

from DMRVV high-risk countries would make reservations prior to arrival with a CDC-registered ACF for a veterinary examination and revaccination. As part of the entry requirements, importers would either agree to a 28-day post-arrival quarantine period for the dog or prior to arrival submit samples of the dog's blood to a CDC-approved laboratory for serologic testing at a time interval specified in CDC technical instructions to demonstrate immunity to rabies virus. CDC assumes that most importers would choose serologic testing in lieu of the quarantine period. All importers of dogs from DMRVV high-risk countries need a *Certification of Foreign Rabies Vaccination and Microchip* form or *Certification of U.S.-issued Rabies Vaccination* form, which require certification by an Official Government Veterinarian in the country of origin or a USDA Official Veterinarian, respectively. However, dogs imported from DMRVV-free or DMRVV low-risk countries and importers of U.S.-vaccinated dogs from DMRVV high-risk countries do not require examination at CDC-registered Animal Care Facilities and are eligible to arrive at any U.S. port.

In lieu of the *Certification of Foreign Rabies Vaccination and Microchip* form or *Certification of U.S.-issued Rabies Vaccination* form, importers may provide documentation that the dogs have been only in DMRVV-free or DMRVV low-risk countries during the six months prior to arriving in the United States (*i.e.*, to demonstrate the dog had not been in a high-risk country). This documentation must be certified by an official government veterinarian, but many importers must already obtain a foreign export certificate from a DMRVV-free or DMRVV low-risk country that has been certified by an official government veterinarian in that country prior to importing dogs into the United States. In addition, importers who make multiple trips to and from the United States (*e.g.*, across land borders) may use the *Certification of U.S.-issued Rabies Vaccination* form for U.S.-vaccinated dogs, which will remain valid for three years after a dog receives a three-year rabies vaccine in the United States. Thus, the additional costs will only be incurred for a subset of dogs imported from DMRVV-free or low-risk countries.

All dog imports arriving on aircraft conveyances, regardless of whether they arrive from countries that are DMRVV-free or at low- or high-risk for DMRVV, are subject to a six-month minimum age requirement. In addition, all dogs, other than those in transit, need to be

implanted with microchips for identification purposes. All dogs, regardless of country of origin, must be listed on a bill of lading or CDC-approved alternative by the airline, if entering the U.S. via air. All importers of dogs arriving at an air, land, or seaport must submit a *CDC Dog Import Form* to CDC via a CDC-approved system prior to the dog's departure from the foreign country. The form must be presented to the airline or other carrier prior to boarding and to Federal officials upon arrival in the United States.

The annualized and present value estimates of monetized costs and benefits over the 10-year period from 2024 through 2033 using three percent and seven percent discount rates are summarized in Tables 2 and 3. The annualized, monetized costs (2020 USD) of the provisions in the final rule are estimated to be \$59 million (range: \$13 to \$207 million) using a three percent discount rate, and the results were almost unchanged using a seven percent discount rate. Most monetized costs are expected to be incurred by importers (87 percent for the most likely estimate). The estimated monetized costs are expected to be less for importers of dogs from DMRVV-free or DMRVV low-risk countries compared to importers of dogs from DMRVV high-risk countries. The provisions estimated to result in the greatest increase in costs for importers of dogs imported from DMRVV-free or low-risk countries were associated with the additional costs associated with the documentation requirements to show that the dogs have not been in a DMRVV high-risk country, minimum age, and with the microchip requirements, and completing the new *CDC Dog Import Form*.

The provisions estimated to result in the greatest increase in costs for importers of dogs from DMRVV high-risk countries were associated with the requirements regarding use of a CDC-registered Animal Care Facility for foreign-vaccinated dogs from DMRVV high-risk countries in section 71.51(k). Other costs included: (1) laboratory testing, (2) an expected reduction in the number of dogs imported from DMRVV high-risk countries, (3) the need for some travelers to reroute travel to an airport with a CDC quarantine station (also known as a CDC port health station) and CDC-registered Animal Care Facility, and (4) the costs with providing a *CDC Import Certification of Rabies Vaccination and Microchip Record* form or *Certification of U.S.-issued Rabies Vaccination* form (certified by an Official Government Veterinarian or USDA Official Veterinarian, respectively). Most of

these requirements are specific to foreign-vaccinated dogs from DMRVV high-risk countries.

Airlines are expected to incur the greatest costs among carriers and their costs are estimated to comprise about 7.0 percent of the estimated annualized, monetized costs, with most of their costs associated with ensuring that all transported dogs comply with the bill of lading or CDC-approved alternative requirements of the final rule and a reduction in the number of dogs transported. HHS/CDC was unable to estimate costs from other types of carriers of dogs arriving by land or sea. Specifically, CDC does not have any data on how the six-month age requirement may impact surface transportation conveyances importing dogs from Canada or Mexico (although CDC notes that importation of dogs less than six months of age for resale is already prohibited by USDA regulations). CDC is estimated to incur about 3.3 percent of the annualized, monetized costs (most likely estimate) associated with the provisions of this final rule. Most CDC costs would be associated with the oversight of animal care facilities and laboratory proficiency testing programs for dogs imported from high-risk countries. CBP is expected to incur about 3.0 percent of the annualized costs (most likely estimate) associated with the provisions of this final rule. Most CBP costs would result from the additional time spent on reviewing documentation for importers of dogs from DMRVV-free or low-risk countries and for training personnel to enforce the requirements. USDA is expected to receive payments commensurate with its cost to provide *Certification of U.S.-issued Rabies Vaccination* forms for U.S.-vaccinated dogs traveling internationally.

The annualized monetized benefits of the provisions in the final rule are estimated to be about \$1.8 million (range: \$0.75 to \$3.6 million) using a three percent or seven percent discount rate, with most of the benefits accruing to importers (47 percent of the most likely estimates) and to CBP (30 percent of the most likely estimates). Some of the benefits estimated for both importers and CBP would result from reduced time spent on screening dogs from high-risk countries at U.S. ports. The amount of time required per dog at U.S. ports would be reduced because it is assumed that the CDC standardized vaccination forms would be easier to review compared to non-standardized documentation for dogs arriving from DMRVV high-risk countries. The provisions in this final rule are also estimated to reduce the number of dogs

denied entry or arriving ill or dead, with benefits estimates for importers, airlines, CBP, and CDC.

The wide range between the lower-bound and upper-bound cost and benefit estimates demonstrates that there is considerable uncertainty in these results. More details on the input parameters and assumptions used to generate these estimates may be found in the Appendix under the Supplemental Materials tab of the docket. At present, the number of dogs imported into the United States is neither accurately nor completely tracked by any data system, and the uncertainty in the cost and benefit estimates reflect uncertainty in both the

total number of dogs imported and the number of dogs imported from DMRVV high-risk countries, as well as the cost of the new requirements included in the final rule. The net annualized, monetized costs (total cost estimate—total benefit estimate) are estimated to be about \$57 million per year (range: \$12 to \$203 million) using a three percent discount rate.

Since the estimated costs for foreign-vaccinated dogs from DMRVV high-risk countries are much higher than costs for other dog imports, importers may choose to import dogs from DMRVV-free or low-risk countries instead of from DMRVV high-risk countries. In addition, individuals who travel from the United

States to DMRVV high-risk countries with their pet dogs for long-term visits may take the additional step to have their dogs revaccinated with a three-year rabies vaccine prior to departure (e.g., many deployed Federal employees may obtain the *Certification of U.S.-issued Rabies Vaccination*, which would allow up to three years for return to the United States). These changes should result in lower overall costs than the above estimates for the final rule in which HHS/CDC assumed individuals would be unable to change the countries from which dogs are imported into the United States.

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Table 2. Annualized, monetized costs and benefits summary table (in 2020 million dollars, over a 10-year time horizon relative to baseline, three percent or seven percent discount rate)				Source (RIA Section)
	Most Likely Estimate	Lower bound	Upper bound	
Annualized, monetized benefits (reduced costs)				
Three percent discount rate				
Importer benefits	\$0.84	\$0.36	\$1.7	B2, B3, B4
Airline benefits	\$0.18	\$0.038	\$0.59	B5
DHS/CBP benefits	\$0.54	\$0.26	\$0.70	B6
HHS/CDC benefits	\$0.22	\$0.090	\$0.59	B7
State and local health department benefits	\$0.005	\$0.0	\$0.022	B8
Total benefits (A1)	\$1.8	\$0.75	\$3.6	
Seven percent discount rate				
Importer benefits	\$0.84	\$0.36	\$1.7	B2, B3, B4
Airline benefits	\$0.18	\$0.038	\$0.59	B5
DHS/CBP benefits	\$0.54	\$0.26	\$0.70	B6
HHS/CDC benefits	\$0.22	\$0.09	\$0.59	B7
State and local health department benefits	\$0.005	\$0	\$0.022	B8
Total benefits (A2)	\$1.8	\$0.75	\$3.6	
Quantified, but unmonetized, benefits	The social cost of the consequences associated with a dog imported while infected with DMRVV were estimated to be about \$270,000, ranging from \$210,000 to \$510,000. The requirements in the final rule reduce the risk of imported dogs arriving with DMRVV, and the			C1

Table 2. Annualized, monetized costs and benefits summary table (in 2020 million dollars, over a 10-year time horizon relative to baseline, three percent or seven percent discount rate)				Source (RIA Section)
	Most Likely Estimate	Lower bound	Upper bound	
	costs associated with rabies response activities will decrease.			
Qualitative (unquantified) benefits	With each importation of a dog infected with DMRVV, there is a risk that a person may become infected and die or that DMRVV may be re-introduced in the U.S. wildlife population, which could dramatically increase costs relative to the public health response cost summarized above. In addition, by obtaining high-quality data on the number of dogs imported by country, CDC and other Federal agencies, including USDA, will improve preparedness for outbreaks of new and emerging infectious disease threats to humans (e.g., DMRVV) and animals (e.g., African swine fever). The provisions of the final rule will also ensure that dogs that are denied entry or arrive ill will receive the care needed to protect their health and safety.			D1
Annualized, monetized costs				
Three percent discount rate				
Importer costs	\$51.0	\$9.2	\$193.2	B2, B3, B4
Airline costs	\$4.1	\$1.8	\$8.0	B5
DHS/CBP costs	\$1.7	\$0.75	\$2.9	B6
HHS/CDC costs	\$1.9	\$1.4	\$2.5	B7
Total costs (B1)	\$58.8	\$13.1	\$206.6	
Seven percent discount rate				
Importer costs	\$51.4	\$9.3	\$194.5	B2, B3, B4
Airline costs	\$4.1	\$1.8	\$8.0	B5
DHS/CBP costs	\$1.8	\$0.76	\$3.0	B6
HHS/CDC costs	\$2.0	\$1.4	\$2.6	B7
Total costs (B2)	\$59.2	\$13.2	\$208.1	
Quantified, but unmonetized, costs	Not applicable			C2
Qualitative (unquantified) costs	CDC will monitor countries and may suspend entry of dogs from countries with repeated instances of dogs with falsified or fraudulent rabies vaccination documentation. The lost value of these imports would impact some U.S.			D2

Table 2. Annualized, monetized costs and benefits summary table (in 2020 million dollars, over a 10-year time horizon relative to baseline, three percent or seven percent discount rate)				Source (RIA Section)
	Most Likely Estimate	Lower bound	Upper bound	
	businesses and dog purchasers. In addition, the duration of any suspensions for these countries is highly uncertain and may be ended in the event of improvement of those countries' dog export controls. Under the final rule, CDC may issue orders to revoke a carrier's or importer's permission to transport live dogs and cats if either has endangered the public's health; however, CDC does not have any plans to suspend any carriers or importers at this time. Owners of dogs that undergo a 28-day quarantine period may suffer qualitative costs from being separated from their dogs during quarantine.			
Net annualized costs				
Total (three percent discount rate), (B1) - (A1)	\$57.0	\$12.3	\$203.0	
Total (seven percent discount rate), (B2) - (A2)	\$57.4	\$12.5	\$204.5	

The present value of the estimated monetized cost over a 10-year period for the provisions in the final rule is estimated to be \$502 million (range: \$111 to \$1,750 million) using a three percent discount or \$416 million (range: \$91 to \$1,450 million) using a seven percent discount rate. The present value

of monetized benefits over a 10-year period of the provisions in the final rule is estimated at \$15 million (range: \$6.4 to \$30 million) using a three percent discount rate or \$13 million (range: \$5.2 to \$25 million) using a seven percent discount rate. The net annualized monetized cost (total costs – total

benefits) is estimated at \$486 million (range: \$104 to \$1,720 million) using a three percent discount rate and \$403 million per year (range: \$86 to \$1,430 million) using a seven percent discount rate.

Table 3. Present value of costs and benefits summary table (in 2020 million dollars, over a 10-year time horizon relative to baseline, three percent or seven percent discount rate)				
	Most Likely Estimate	Lower bound	Upper bound	Source (RIA Section)
<u>Present value of monetized benefits (reduced costs)</u>				
Three percent discount rate				
Importer benefits	\$7.2	\$3.1	\$14	B2, B3, B4
Airline benefits	\$1.5	\$0.32	\$5.0	B5
DHS/CBP benefits	\$4.6	\$2.2	\$5.9	B6
HHS/CDC benefits	\$1.9	\$0.77	\$5.0	B7
State and local health department benefits	\$0.042	\$0.0	\$0.19	B8
Total benefits (A1)	\$15	\$6.4	\$30	
Seven percent discount rate				
Importer benefits	\$5.9	\$2.5	\$12	B2, B3, B4
Airline benefits	\$1.2	\$0.27	\$4.1	B5
DHS/CBP benefits	\$3.8	\$1.8	\$4.9	B6
HHS/CDC benefits	\$1.6	\$0.63	\$4.1	B7
State and local health department benefits	\$0.034	\$0.0	\$0.16	B8
Total benefits (A2)	\$13	\$5.2	\$25	
Quantified, but unmonetized, benefits	The social cost of the consequences associated with a dog imported while infected with DMRVV were estimated to be about \$270,000, ranging from \$210,000 to \$510,000. The requirements in the final rule reduce the risk of imported dogs arriving with DMRVV, and the costs associated with rabies response activities will decrease.			C1
Qualitative (unquantified) benefits	With each importation of a dog infected with DMRVV, there is a risk that a person may become infected and die or that DMRVV may be re-introduced in the U.S. wildlife population, which could dramatically increase costs relative to the public health response cost summarized above. In addition, by obtaining high-quality data on the number of dogs imported by country, CDC and other Federal agencies, including USDA, will improve preparedness for outbreaks of new and emerging infectious disease threats to humans (e.g., DMRVV) and animals (e.g., African swine fever). The provisions of the final rule will also ensure that dogs that are denied entry or arrive ill will receive the care needed to protect their health and safety.			D1
<u>Present value of monetized costs</u>				
three percent discount rate				
Importer costs	\$435	\$78	\$1,648	B2, B3, B4

Table 3. Present value of costs and benefits summary table (in 2020 million dollars, over a 10-year time horizon relative to baseline, three percent or seven percent discount rate)				
	Most Likely Estimate	Lower bound	Upper bound	Source (RIA Section)
Airline costs	\$35	\$15	\$64	B5
DHS/CBP costs	\$14.9	\$6.2	\$24.1	B6
CDC-costs	\$17	\$11	\$18	B7
Total costs (B1)	\$502	\$111	\$1,754	
Seven percent discount rate				
Importer costs	\$361	\$65	\$1,366	B2, B3, B4
Airline costs	\$29	\$12	\$50	B5
DHS/CBP costs	\$12.4	\$5.0	\$19.4	B6
CDC costs	\$14	\$9	\$14	B7
Total costs (B2)	\$416	\$91	\$1,450	
Quantified, but unmonetized, costs	Not applicable			C2
Qualitative (unquantified) costs	CDC will monitor countries and may suspend entry of dogs from countries with repeated instances of dogs with falsified or fraudulent vaccine credentials or invalid rabies vaccination documentation. The lost value of these imports would impact some U.S. businesses and dog purchasers. In addition, the duration of any suspensions for these countries is highly uncertain and may be ended in the event of improvement of those countries' dog export controls. Under the final rule, CDC may issue orders to revoke a carrier's or importer's permission to transport live dogs and cats if either has endangered the public's health; however, CDC does not have any plans to suspend any carriers or importers at this time. Owners of dogs that undergo a 28-day quarantine period may suffer qualitative costs from being separated from their dogs during quarantine.			D2
Net annualized costs				
Total (three percent discount rate), (B1) - (A1)	\$486	\$104	\$1,723	
Total (seven percent discount rate), (B2) - (A2)	\$403	\$86	\$1,426	

relative to the estimates included in the NPRM. The primary reasons for the increase in cost include:

- The fees charged by CDC-registered ACF have increased relative to CDC's preliminary estimates.

- Some U.S. ports require that dogs that need follow-up care at CDC-registered ACF arrive as cargo. This requirement was not anticipated by CDC and will increase costs for importers of foreign-vaccinated dogs from DMRVV high-risk countries who otherwise would have chosen to transport their dogs as hand-carried or checked baggage. The fee charged for cargo shipments are highly variable.^{216 217} The future costs associated with this rule will depend on U.S. port policies that are subject to change. The average cost for the follow up visit at CDC-registered ACF is estimated to be \$900 (range: \$500 to \$1,300 per dog). The average costs associated with shipping dogs as cargo is estimated to be \$2,000 (range: \$1,500 to \$2,500)²¹⁸ compared to an average of \$300 (range: \$200 to \$400) for dogs shipped as hand-carried or checked baggage.²¹⁹ Under the regulatory baseline, HHS/CDC assumes 25%, range: 17% to 50% of dogs going to ACF are shipped as cargo. With the final rule, HHS/CDC assumes that 60%,

range: 60% to 70% of dogs going to ACF will be shipped as cargo.

- The costs associated with the requirement for proof that a dog has been only in DMRVV low-risk or DMRVV-free countries have increased because HHS/CDC added more examples of the types of proof required. Each type of document requires certification by a USDA or foreign official government veterinarian. Examples include: (a) a valid foreign export certificate from a DMRVV-free or DMRVV low-risk country that has been certified by an official government veterinarian in that country; (b) a USDA export certificate if the certificate is issued to allow the dogs to travel to a DMRVV-free or DMRVV low-risk country, (c) a valid *Certification of Foreign Rabies Vaccination and Microchip* form if completed in a DMRVV-free or DMRVV low-risk country, or (d) a valid *Certification of U.S.-Issued Rabies Vaccination* form. These documents are often required for individuals to travel internationally with their pets but are not required for travel to Canada or Mexico. These documents may be used as long as they specify travel to or from the country from which a dog is imported. Individuals who frequently travel to and from Canada and Mexico (or any other country) can obtain a valid *Certification of U.S.-Issued Rabies Vaccination* form, which will remain valid for multiple trips for up to three years corresponding to the duration of protection for dog rabies vaccines.

- The cost estimate for foreign-vaccinated dogs from DMRVV high-risk countries to re-route travel destinations to arrive at authorized U.S. ports with ACF was increased.

- CDC increased the estimated costs associated with shipping blood samples to CDC-approved laboratories for serological testing based on a number of comments from individuals suggesting their shipping costs were higher.

- CDC changed the requirement for importing dogs from DMRVV-free or low-risk countries such that no dogs less than six months may be imported at land borders. This will increase costs for individuals who wish to travel with their young dogs to or from Canada and Mexico.

- CDC increased the estimated costs to airlines by 100% for dogs imported from DMRVV-free or low-risk countries and by 50% for dogs imported from DMRVV high-risk countries to account for a number of commenters who suggested that costs to airlines should be higher than the estimates included in the NPRM analysis.

Some of the cost estimates for the final rule have also decreased due to changes made between the NPRM and the final rule. These include:

- The costs to importers of U.S.-vaccinated dogs from DMRVV high-risk countries were reduced because the final rule will not require that such dogs arrive at U.S. ports with CDC quarantine stations (also known as CDC port health stations).

- The costs for serological testing for foreign-vaccinated dogs from DMRVV high-risk countries were reduced because CDC plans to implement a policy that only one serological test will be required during the lifetime of such dogs as long as they remain current with their rabies vaccinations.

The most significant increase in estimated costs is for importers of foreign-vaccinated dogs from high-risk countries, because the expected fees charged by CDC-registered ACF have increased and because some U.S. ports or ACF now require dogs who need to visit to CDC-registered ACF to be shipped as cargo. HHS/CDC did not anticipate that some U.S. ports would require that dogs going to ACF be shipped as cargo in analyzing costs for the NPRM. Other U.S. ports do not require dogs going to ACF to be shipped as cargo. U.S. port-specific policies may change in the future, which, in conjunction with the uncertainty around the number of dogs imported, significantly complicates the project of future costs for the requirements in the final rule. As of March 2024, one U.S. port requires dogs going to ACF to be shipped as cargo, one U.S. port recommends dogs be shipped as cargo to avoid clearance delays and four U.S. ports do not have requirements or recommendations for shipping dogs as cargo. In total six U.S. ports have CDC-registered ACF.

The next key change, which will increase the costs for importers of dogs from DMRVV-free or low-risk countries. In response to public comment, HHS/CDC further defined the required documentation needed for importers to prove that a dog has been only in DMRVV low-risk or DMRVV-free countries. For the NPRM, HHS/CDC had assumed that veterinary records from DMRVV-free or low-risk countries would be sufficient. However, after observing a number of importers using fraudulent documentation to circumvent requirements for DMRVV high-risk countries by moving dogs to DMRVV-free or low-risk countries prior to entering the United States. As a result, HHS/CDC is requiring at least one record certified by an official veterinarian in 42 CFR 71.51(u). A

²¹⁶ <http://www.airline-pet-policies.com/united-airlines-pet-policy.php>. Accessed: 15 Nov 2023.

²¹⁷ Katie Morrell (March 3, 2021) How Much Does It Cost To Fly With Your Dog on a Plane? *Dailypaws.com* <https://www.dailypaws.com/living-with-pets/pet-travel/how-much-does-it-cost-to-fly-a-dog-on-a-plane>. Accessed: 06 February 2022.

²¹⁸ Feathers and Fur Express (2023) How much does it cost to fly a pet/s internationally? International Pet Shipping Costs—Feathers & Fur Express (ffexpresspets.com). Accessed November 10, 2023. Note that the costs reported in this reference include cargo shipping costs to Germany, the United Kingdom, Japan, and Australia. The reference includes costs for small and large dogs shipped to each country. Costs are much higher for larger dogs or for dogs shipped over longer distances. The highest costs were for Australia, which may be more representative of shipping costs from DMRVV high-risk countries in Africa. The European costs may be similar to shipping costs for dogs imported from DMRVV high-risk countries in Europe or Central America or South America. The costs for Japan may be similar to costs for DMRVV high-risk countries in Asia. The simple average cost across the four countries and dog sizes is \$1,931 in 2023 USD. This would correspond to \$1,622 in 2020 after adjustment with the consumer price index: CPI Inflation Calculator ([bls.gov](https://www.bls.gov)). The most likely estimate is increased to \$2,000 in case the costs to importers from DMRVV high-risk countries would be higher than for the countries for which data are available. This increase from \$1,600 to \$2,000 would also allow some importers to choose to hire shippers to facilitate the importation process or brokers to support customs clearance. The need to hire shippers may be reduced by the need to visit CDC-registered ACF, who may be able to review documentation in advance of arrival when reservations are made.

²¹⁹ <http://www.airline-pet-policies.com/united-airlines-pet-policy.php>. Accessed: 15 Nov 2023.

second change is that HHS/CDC is eliminating the exemption for importers of dogs from DMRVV-free or low-risk countries to import three or fewer dogs less than six months of age at land borders. Both of these changes will increase costs to importers of dogs from DMRVV-free or low-risk countries and these changes are reflected in the higher-cost estimates.

The United States was declared DMRVV-free in 2007. Importing dogs from DMRVV high-risk countries involves a significant public health risk. The provisions of this final rule would better align U.S. dog importation requirements with those of other countries that have been declared DMRVV-free. Further, the serologic testing requirements are consistent with standards in the WOAAH Terrestrial Manual for dogs imported from DMRVV high-risk countries to DMRVV-free countries.²²⁰ One DMRVV-infected dog may cause transmission to humans, domestic pets, livestock, or wildlife. The social cost of the consequences associated with the importation of a DMRVV-infected dog was estimated to be \$270,000 (range: \$210,000 to \$510,000) to conduct public health investigations and administer rabies PEP to exposed persons.

Historically, CDC has denied entry to approximately 200 dogs annually due to fraudulent, incomplete, or inaccurate paperwork.²²¹ However, between January 2020 and July 2021 (*i.e.*, during the COVID-19 pandemic, prior to the temporary suspension), CDC documented more than 1000 instances of incomplete, inadequate, or fraudulent rabies vaccination certificates for dogs arriving from DMRVV high-risk countries.²²² The diversion of public health resources globally to COVID-19 response activities contributed to a lapse in dog rabies vaccination efforts and a related increase in the prevalence of dogs infected with DMRVV in some high-risk countries. The combination of an increasing number of dogs imported without adequate documentation of rabies vaccination,²²³ in addition to the

potential increase in the prevalence of DMRVV in high-risk countries,²²⁴ would increase the risk of importation of dogs that are infected with DMRVV. This combination of factors would increase the likelihood of DMRVV-importation events relative to the time-period before the COVID-19 pandemic.

CDC is unable to predict future trends with or without the provisions included in this final rule to estimate how many dogs infected with DMRVV may be imported. Two rabid dog imports (both from Iran) have been reported in Canada within a seven-month period (specifically July 2021 and January 2022) at around the same time the United States implemented a temporary suspension of dogs imported from DMRVV high-risk countries. Prior to these two imports, Canada had not reported a dog infected with DMRVV since the 1960s.²²⁵ Given the limited number of reported dogs with DMRVV, this observation may be indicative of a higher risk for dogs imported from DMRVV high-risk countries during the COVID-19 pandemic or could be anomalous occurrences in Canada. However, the provisions included in the final rule are expected to substantively reduce the risk of importation of dogs infected with DMRVV relative to baseline.

The primary public health benefit of this final rule is the reduced risk that a dog infected with DMRVV will be imported from a DMRVV high-risk country. Using the most likely estimates of the net monetized cost estimate (\$57.0 million) and the most likely estimate of the potential benefit of averting the social cost of the consequences associated with an importation of one dog with DMRVV from a high-risk country (\$270,000), it is possible to calculate the change in the number of imported dogs infected with DMRVV with the provisions of the final rule relative to the baseline such that the benefit would equal cost. The most likely estimate of the net cost (\$57.0 million) divided by the most likely estimate of the social cost of the consequences associated with an importation of a dog infected with DMRVV (\$270,000) suggests that the

provisions of the final rule relative to baseline would have to avert the importation of 211 dogs infected with DMRVV for the benefit to exceed the cost. This would require an increase in the number of dogs imported into the United States while infected with DMRVV, which could only occur because of widespread failures of rabies control programs in multiple countries. However, this analysis does not consider the potential for fatal rabies cases in people or the risk of reintroduction of DMRVV in the United States, as analyzed below.

The above estimate of the cost of an importation of a dog with DMRVV does not account for the worst-case outcomes, which include (1) transmission of rabies to a person who dies from the disease, or (2) ongoing transmission to other domestic and wildlife species in the United States. The cost of reintroduction could be especially high if DMRVV spreads to other species of U.S. wildlife. Re-establishment of DMRVV in the United States could result in costly efforts over several years to eliminate the virus again. Both worst-case outcomes may be more likely to occur after the COVID-19 pandemic because public health resources were diverted to COVID-19 response activities and disruptions in rabies control programs in high-risk countries may contribute to elevated risks even as the COVID-19 pandemic wanes. Human deaths from rabies continue to occur in the United States after exposure to wild animals; however, no U.S. resident has died after exposure to an imported dog with DMRVV in over 20 years. CDC uses the value of statistical life (VSL) to assign a value to interventions that can result in mortality risk reductions. For fatal cases, HHS recommends the use of the value of statistical life to estimate the potential benefits of averted deaths, an estimate of \$11.6 million in 2020 USD and a range of \$5.5 to \$17.7 million.²²⁶ However, CDC is unable to estimate the potential magnitude of the mortality risk reduction associated with the final rule. Based on the central VSL, the provisions of the final rule would need to avert 4.9 or more human deaths per year, on average, for the benefits to exceed costs.

Efforts to eliminate DMRVV if re-established in the United States would also prove costly. A previous campaign

²²⁰ WOAAH Terrestrial Animal Health Code. Chapter 5.11. Available at: Access online: WOAAH—World Organisation for Animal Health https://www.woah.org/en/what-we-do/standards/codes-and-manuals/terrestrial-code-online-access/?id=1696&L=0&htmlfile=chapitre_certif_rabies.htm.

²²¹ Centers for Disease Control and Prevention (2021). Quarantine Activity Reporting System (version 4.9.8.8.2.2A). Dog Importation data, 2010–2019. Accessed: October 1, 2022.

²²² Pieracci, E., Williams, C., Wallace, R., Kalapura, C., Brown, C., U.S. dog importations during the COVID-19 pandemic: Do we have an erupting problem? *PLoS ONE*, 16(9), e0254287. Doi: 10.1371/journal.pone.0254287.

²²³ Centers for Disease Control and Prevention. Quarantine Activity Reporting System (version

4.9.8.8.2.2A). Dog importation data, 2018–2020. Accessed: 15 February 2021.

²²⁴ A. Kunkel, Jeon S., Haim, Dilius C.J.P., Crowdis K., Meltzer M.I., Wallace R. (2021). The urgency of resuming disrupted dog rabies vaccination campaigns: a modeling and cost-effectiveness analysis. *Scientific Reports*; 11:12476. <https://doi.org/10.1038/s41598-021-92067-5>.

²²⁵ Outbreak News Today (Feb. 10, 2022) Rabies case reported in Toronto in a dog imported from Iran. <http://outbreaknewstoday.com/rabies-case-reported-in-toronto-in-a-dog-imported-from-iran-46958>. Accessed: February 14, 2022.

²²⁶ U.S. Department of Health and Human Services, 2016. Office of the Assistant Secretary for Planning and Evaluation. Guidelines for Regulatory Impact Analysis. https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf. Accessed: April 20, 2020.

to eliminate domestic dog-coyote rabies virus variant jointly with gray fox (Texas fox) rabies virus variant in Texas over the period from 1995 through 2003 cost \$34 million,^{227 228} or \$56 million in 2023 USD. The costs to contain any reintroduction would depend on the time-period before the reintroduction was realized, the wildlife species in which DMRVV was transmitted, and the geographic area over which reintroduction occurs. The above estimate is limited to the cost of rabies vaccination programs for targeted wildlife and does not include the costs to administer PEP to any persons exposed after the reintroduction has been identified. Human deaths from DMRVV could increase following the reintroduction of DMRVV to the United States as the risk of exposure would increase.

At the same time, hesitancy towards vaccinating dogs may be increasing in the United States. In a recent survey, about half of survey respondents reported skepticism toward dog vaccination; however, 84% of these survey respondents reported that their dogs were up to date with required vaccinations.²²⁹ If this skepticism leads to reduced coverage rates for U.S. dog rabies vaccination, the United States would become more vulnerable to the reintroduction of DMRVV. In the worst-case scenario, a large-scale reintroduction of DMRVV could result in much greater costs than were reported for the elimination of the fox variant discussed previously.

Malaysia had been declared DMRVV-free, but the virus was reintroduced around 2017. Despite a large public health response, DMRVV has not yet been eliminated in Malaysia and 45 people have died after having been infected between 2017 and 2022.²³⁰ The probability of DMRVV reintroduction in the United States is likely to be much less than in Malaysia, which shares a land border with Indonesia, which is a

DMRVV high-risk country. However, the potential risk for the United States would increase if the U.S. dog rabies vaccination rates were to decrease or if the number of imported DMRVV-infected dogs from DMRVV high-risk countries were to increase. The requirements included in this final rule would reduce the risk of importations of DMRVV-infected dogs.

The provisions of the final rule would also ensure that dogs that are denied admission or arrive ill will be housed appropriately and receive the care needed to protect their health and safety. This will reduce the likelihood that dogs may be left in unsafe conditions in cargo warehouses for extended periods of time with the potential to expose workers who are not trained to handle live animals safely.²³¹

Under the current baseline, the number of dogs imported into the United States is neither accurately nor completely tracked. The more comprehensive data collection in this final rule through the *CDC Dog Import Form* will benefit public health investigations and enable better and more timely contact tracing of all animals exposed to an imported dog with DMRVV. The current lack of data also inhibits the Federal government's ability to target interventions for dogs imported from specific countries. The collection of data from the *CDC Dog Import Form* as required in this final rule may also benefit other agencies such as USDA/Animal and Plant Health Inspection Service (APHIS) that may want to regulate dog imports based on the risk of introduction of diseases that may affect U.S. livestock. For example, in 2021, APHIS regulated importers of dogs for resale based on whether the dogs were imported from countries where African swine fever exists.²³² The potential economic benefits of reducing the risk of the importation of African swine fever could be significant. For example, a recent African swine fever outbreak in China was estimated to have total economic losses equivalent to 0.78 percent of China's gross domestic product in 2019.²³³ The requirement in

the final rule to report all dogs to CDC via a CDC-approved system would reduce the risk of importation of infected dogs from countries with ongoing disease outbreaks that may affect livestock.

Viruses exploiting new host species have led to some of the most devastating disease epidemics, such as influenza, Ebola, and the HIV/AIDS pandemic.²³⁴ Viruses continually evolve in their animal hosts. This has been observed in viruses such as avian and swine influenza viruses, constituting a permanent pandemic threat to humans.²³⁵ Although CDC cannot predict when future zoonotic diseases may emerge or whether future zoonotic diseases may be associated with transmission from dogs to humans, such events remain a possibility. Future dog-mediated communicable diseases may pose an acute risk to the public's health because, in contrast to other animal imports, most dogs are imported as pets and will be in close contact with their owners.

During the COVID-19 pandemic a variant of the SARS-CoV-2 virus was detected in mink populations in Europe and entered human populations from this animal host. Between February 18, 2020, and December 15, 2021, 457 mink farms in 12 countries experienced SARS-CoV-2 outbreaks²³⁶ and mink-to-human transmission of the SARS-CoV-2 virus was documented on mink farms in the Netherlands, Denmark, Poland, and the United States.^{237 238 239} In August and September of 2020, Denmark documented a mink-associated SARS-CoV-2 variant strain found in 12

²²⁷ TJ Sidwa et al. (2005) Evaluation of oral rabies vaccination programs for control of rabies epizootics in coyotes and gray foxes: 1995–2003. *Journal of the American Veterinary Medicine Association*; 227(5):785–92.

²²⁸ R.T. Sterner et al. (2009) Tactics and Economics of Wildlife Oral Rabies Vaccination, Canada and the United States. *Emerging Infectious Diseases*; 15(8), 1176–1184.

²²⁹ Motta M, Motta G, Stecula D. Sick as a dog? The prevalence, politicization, and health policy consequences of canine vaccine hesitancy (CVH). *Vaccine* 2023 41 (2023): 5946–5950.

²³⁰ Tuah L., Sabri MSM, Hashim M, Hashim M. (Dec. 8, 2022) Spatial Risk Assessment on Spread of Dog-Mediated Rabies in Sarawak. SEACFMD Joint EpiNet and LabNet Virtual meeting. https://rr-asia.woah.org/wp-content/uploads/2022/12/4-seacfmd_mcds-spatial-risk-assessment-on-rabies-in-sarawak.pdf. Accessed November 9, 2023.

²³¹ <https://www.cbsnews.com/chicago/news/dog-dies-at-ohare-airport-warehouse-17-others-saved-after-being-left-without-food-or-water-for-3-days/>.

²³² Animal and Plant Health Inspection Service (Aug. 4, 2021) USDA Announces Requirements for Importing Dogs from Countries Affected with African Swine Fever. https://www.aphis.usda.gov/aphis/newsroom/news/sa_by_date/sa-2021/asf-dog-imports. Accessed: 05 February 2022.

²³³ Shibing You, Tingyi Liu, Miao Zhang, Xue Zhao, Yizhe Dong, Bi Wu, Yanzhen Wang, Juan Li, Xinjie Wei and Baofeng Shi (2021) African swine fever outbreaks in China led to gross domestic product and economic losses. *Nature Food*; 2: 802–808.

²³⁴ Woolhouse M, Haydon D, Antia R. Emerging pathogens: the epidemiology and evolution of species jumps. *Trends in Ecology & Evolution* 2005; 20 (5): 238–244. <https://doi.org/10.1016/j.tree.2005.02.009>.

²³⁵ Woolhouse M, Haydon D, Antia R. Emerging pathogens: the epidemiology and evolution of species jumps. *Trends in Ecology & Evolution* 2005; 20 (5): 238–244. <https://doi.org/10.1016/j.tree.2005.02.009>.

²³⁶ Koopmans M. SARS-CoV-2 and the human-animal interface: outbreaks on mink farms. *The Lancet Infectious Diseases* 2021; 21 (1): 18–19.

²³⁷ Hammer AS, Quaade ML, Rasmussen TB, et al. SARS-CoV-2 Transmission between Mink (Neovison vison) and Humans, Denmark. *Emerg Infect Dis*. 2021 Feb;27(2):547–551. doi: 10.3201/eid2702.203794. Epub 2020 Nov 18. PMID: 33207152; PMCID: PMC7853580.

²³⁸ Oude Munnink BB, Sikkema RS, Nieuwenhuijse DF, et al. Transmission of SARS-CoV-2 on mink farms between humans and mink and back to humans. *Science*. 2021 Jan 8;371(6525):172–177. doi: 10.1126/science.abe5901. Epub 2020 Nov 10. PMID: 33172935; PMCID: PMC7857398.

²³⁹ Rabalski L, Kosinki M, Mazur-Panasiuk N, et al. Zoonotic spillover of SARS-CoV-2: mink-adapted virus in humans. Available at: <https://www.biorxiv.org/content/10.1101/2021.03.05.433713v1.full.pdf>.

people, eight of whom had links to the mink farming industry. Due to concerns about transmissibility, immunity, and potential impacts on vaccine efficacy, the Danish government ordered that all 15–17 million minks in the country be culled. Following a risk assessment of live mink importations from the Western European region to the United States using data from U.S. Fish and Wildlife Service who regulate and track mink importations, it was determined additional regulatory action to prohibit live mink importations was unnecessary due to public health prevention measures taken by mink importers and the low numbers of imported mink. In comparison, CDC would not have the same data available to conduct a risk assessment for dog imports in the event of a future dog-mediated communicable disease outbreak because dog imports are neither accurately nor completely tracked in any government data system in the absence of the *CDC Dog Import Form* requirement included in this final rule. This would limit HHS/CDC's ability to accurately quantify the risks presented from specific countries because the United States does not have data on the number of dogs imported from each country.

The reporting of dog import volumes by country in an approved CDC import submission data system provides an opportunity to target interventions for dogs imported from specific countries. Such reporting as now required in 42 CFR 71.51(h) would allow CDC or other Federal agencies to more easily implement preventive measures to mitigate the risk of introductions of new zoonotic diseases or foreign animal diseases targeted to specific countries of concern. The import submission data requirement may also help CDC and other Federal agencies, as well as State and local health departments, retrospectively inspect shipments from specific countries. This would reduce the costs of future interventions; however, CDC is not able to quantify future savings.

The provisions of the final rule are expected to reduce the risk of dogs arriving ill. If an animal arrives in the United States and appears ill or is dead, a public health investigation is required to ensure the ill or dead animal does not present a public health threat. The overall health of an animal can play a significant role in whether it can maintain core body functions (*i.e.*, body temperature regulation and glucose levels) during prolonged flights. Stressed, malnourished, and young animals are more likely to become ill and can transmit communicable

diseases that can affect humans;^{240 241} therefore, safety and welfare concerns for the transport of dogs have a public health impact that requires a degree of oversight from public health agencies to ensure human and animal health is protected.²⁴²

The required veterinarian examinations of foreign-vaccinated dogs from DMRVV high-risk countries should lead to the earlier detection of other exotic pathogens. A recent study from the United Kingdom performed additional screening for *Babesia canis*, *Ehrlichia canis*, *Hepatozoon canis*, *Leishmania infantum*, *Brucella canis*, and *Dirofilaria immitis* among 133 recently imported rescue dogs. They identified one or more of these pathogens in 24% (32/133) of the fully tested dogs.²⁴³ Although the authors found no significant association between infected dogs and presenting clinical signs, this study helps demonstrate how the mandatory veterinarian examination of foreign-vaccinated dogs from DMRVV high-risk countries may lead to early detection of other diseases prior to spreading into the U.S. dog population.

In addition to the unmonetized benefits described above, there may be additional unmonetized costs. CDC plans to monitor countries with high risk of DMRVV and may suspend entry of dogs from countries with repeated instances of falsified or fraudulent dog vaccine credentials or invalid rabies vaccination documents (defined as DMRVV-restricted countries in this final rule). The lost value of imports from DMRVV-restricted countries would impact some U.S. businesses and dog purchasers. However, the duration of any suspensions for these countries is highly uncertain and may be ended in the event of improvement of those countries' export controls.

HHS/CDC will have the authority to issue orders to revoke a carrier's permission to transport live dogs and

cats if a carrier has endangered the public's health; however, CDC does not have plans to suspend any carriers at this time.

CDC lacks data on the cost to airlines of ensuring that a representative be on-site at the U.S. airport and available to coordinate the entry/clearance of dogs with Federal government officials. The representative must remain on site until all live imported dogs have either been cleared for entry or arrangements have been made to transport the dogs to a facility (either a CDC-registered ACF or other veterinary facility approved by CDC) pending admissibility determination. CDC believes this will only incur additional costs on occasion since airline staff are typically available on-site.

Analysis of the Costs and Benefits of the Alternatives

The summary costs and benefits of the lower and higher-cost alternatives are presented assuming that either all of the lower-cost alternatives or all of the higher-cost alternatives are selected. The annualized monetized costs and benefits are calculated relative to the same regulatory baseline used to evaluate the impacts of the final rule. The alternatives are presented above in Table 1. More detail on the impacts of each section is presented in the appendix in the supplemental materials tab of this docket. Some of the key assumptions for the lower-cost alternative include:

- If the age limit were reduced from six months to four months for dogs arriving by air, the estimated reduction in the number of dogs arriving by air would decrease by two percent relative to the regulatory baseline. This is less than the five percent reduction assumed for the six-month age requirement included in the final rule. Also, there would be no reduction in dogs arriving at land borders if there were no age limit for dog imports arriving by land (or sea).

- If dogs were allowed to have either a microchip or tattoo (instead of allowing only microchips), the cost of implementation is assumed to be reduced by 25%. Since dog tattoos usually cost more than microchips,²⁴⁴ the benefit is mostly due to some importers preferring the tattoo to the microchip. Thus, the additional cost of the tattoo would have to be offset by the utility to dog owners from owners who strongly prefer to have the option of choosing either a tattoo or microchip.

²⁴⁰ Galanis E et al. Brucellosis and other diseases imported with dogs. *BCMJ* 2019; 61 (4): 177–190. Available at: <https://bcmj.org/bccdc/brucellosis-and-other-diseases-imported-dogs>.

²⁴¹ Denstedt E. Echinococcus multilocularis as an emerging public health threat in Canada: A knowledge synthesis and needs assessment. Accessed: February 28, 2019. Available at: www.nceh.ca/sites/default/files/Guelph-Denstedt-2017.pdf.

²⁴² Pieracci EG, Maskery B, Stauffer K, Gertz A, Brown C. Risk factors for death and illness in dogs imported into the United States, 2010–2018. *Transbound Emerg Dis*. 2022 Mar 15. doi: 10.1111/tbed.14510.

²⁴³ Wright I, Whitfield V, Hanaghan R, et al. (2023) Analysis of exotic pathogens found in a large group of imported dogs following an animal welfare investigation. *Vet Rec* 4;193(9):e2996. doi: 10.1002/vetr.2996.

²⁴⁴ Gibeault S. (2021) Are ID Tags Enough? The Importance of Identifying Your Dog. American Kennel Club. <https://www.akc.org/expert-advice/home-living/id-tags-enough-importance-identifying-dog/>.

The reduction of cost is tied to the increase in options available to dog importers, especially for importers who strongly prefer not to have microchips implanted. This is an approximation since HHS/CDC is unable to measure the disutility for dog owners who are strongly opposed to microchip implantation.

- If only importers of dogs from DMRVV high risk countries are required to provide advance data submission to CDC and airlines only need to provide a bill of lading or CDC-approved alternative for such dogs, the costs for airlines and importers of dogs imported from DMRVV-free or low-risk countries would decrease accordingly (*i.e.*, these costs would only be incurred for importing dogs from DMRVV high-risk countries).

- If importers of U.S.-vaccinated dogs from DMRVV high-risk countries no longer need to have the form *Certification of U.S.-issued Rabies Vaccination* endorsed by a USDA Official veterinarian, importer costs would decrease. CDC assumed that the vaccinating veterinarians would be willing to fill out the appropriate form at no additional cost.

- If importers of foreign-vaccinated dogs from DMRVV high-risk countries were allowed to have their dogs examined and revaccinated by any licensed U.S. veterinarian instead of visiting a CDC-registered ACF, the cost to these importers would decrease

considerably. This alternative process would not require dogs to be transported as cargo (as required for dogs transported to CDC-registered ACF at some U.S. ports). Also, the average fees charged by U.S.-licensed veterinarians (assumed to be \$100 to \$200 per dog versus \$500 to \$1,300 per dog at CDC-registered ACF) would be lower. Owners could transport their own dogs to a U.S.-licensed veterinarian. In addition, other U.S.-licensed veterinarians would not have to comply with CDC requirements that are specific to CDC-registered ACF. The change in costs also incorporate the costs to ship dogs as cargo, as described above, which are much higher than for dogs that may be transported as hand-carried or checked baggage.

- If CDC accepted serological test results from any laboratory as opposed to only CDC-approved laboratories, the costs to importers of foreign-vaccinated dogs from DMRVV high-risk countries would be reduced. CDC assumed that blood sample shipping costs would be reduced by 50% and the costs for serological testing would be reduced by 25%. This is because importers could choose from more potential laboratories and may choose laboratories with lower fees since these laboratories would not have to adhere to the requirements for CDC approval.

- If CDC allowed foreign-vaccinated dogs imported from DMRVV high-risk countries to arrive at any U.S. port

instead of only U.S. ports with CDC-registered ACF, CDC assumed a much lower percentage of importers would have to change their travel plans (20% instead of 60%). These importers would no longer incur additional ticket costs and travel time costs. This change would probably only affect costs in conjunction with another lower-cost alternative that would allow foreign-vaccinated dogs from DMRVV high-risk countries to be evaluated by any licensed U.S. veterinarian rather than at a CDC-registered ACF. In the absence of a simultaneous change to that requirement, there would be little benefit to arriving at a U.S. port without a CDC-registered ACF for this lower-cost alternative.

The total annualized monetized costs associated with the set of lower-cost alternative are summarized in Table 4. The costs to importers and to airlines would decrease considerably relative to the requirements included in the final rule (\$16.7 million versus \$51.0 million for annualized monetized importer costs and \$1.2 million versus \$4.1 million for annualized monetized airline costs, 3% discount rate). The total annualized monetized costs for these alternatives are \$22 million (range: \$7.0 to \$60 million, 3% discount rate). The annualized monetized benefits also decrease for these lower-cost alternatives (\$1.3 million, range: \$0.54 to \$2.6 million).

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Table 4. Annualized, monetized costs and benefits summary table (in 2020 million dollars, over a 10-year time horizon relative to the regulatory baseline, three percent or seven percent discount rate) [Lower-cost alternatives] ^a				Source (RIA Section)
	Most Likely Estimate	Lower bound	Upper bound	
Annualized, monetized benefits (reduced costs)				
Three percent discount rate				
Importer benefits	\$0.58	\$0.25	\$1.2	B2, B3, B4
Airline benefits	\$0.12	\$0.025	\$0.39	B5
DHS/CBP benefits	\$0.42	\$0.20	\$0.68	B6
HHS/CDC benefits	\$0.14	\$0.060	\$0.35	B7
State and local health department benefits	\$0.001	\$0.0	\$0.006	B8
Total benefits (A1)	\$1.3	\$0.54	\$2.6	
Seven percent discount rate				
Importer benefits	\$0.58	\$0.25	\$1.2	B2, B3, B4
Airline benefits	\$0.12	\$0.025	\$0.39	B5
DHS/CBP benefits	\$0.42	\$0.20	\$0.68	B6
HHS/CDC benefits	\$0.14	\$0.06	\$0.35	B7
State and local health department benefits	\$0.001	\$0	\$0.006	B8
Total benefits (A2)	\$1.3	\$0.54	\$2.6	
Annualized, monetized costs				
Three percent discount rate				
Importer costs	\$16.7	\$4.4	\$50.7	B2, B3, B4
Airline costs	\$1.2	\$0.4	\$2.8	B5
DHS/CBP costs	\$2.0	\$0.84	\$3.5	B6
HHS/CDC costs	\$1.9	\$1.4	\$2.5	B7
Total costs (B1)	\$21.9	\$7.0	\$59.5	
Seven percent discount rate				
Importer costs	\$16.9	\$4.4	\$51.0	B2, B3, B4
Airline costs	\$1.3	\$0.4	\$2.8	B5
DHS/CBP costs	\$2.0	\$0.85	\$3.5	B6
HHS/CDC costs	\$2.0	\$1.4	\$2.6	B7
Total costs (B2)	\$22.1	\$7.1	\$60.0	
Net annualized costs				
Total (three percent discount rate), (B1) -(A1)	\$19.6	\$6.3	\$48.5	
Total (seven percent discount rate), (B2) -(A2)	\$19.8	\$6.4	\$48.9	
^a That quantified, but unmonetized, costs and benefits and the qualitative (unquantified) costs and benefits reported in Table 2 for the analysis of the final rule would not be impacted by the changes				

Table 4. Annualized, monetized costs and benefits summary table (in 2020 million dollars, over a 10-year time horizon relative to the regulatory baseline, three percent or seven percent discount rate) [Lower-cost alternatives] ^a				Source (RIA Section)
	Most Likely Estimate	Lower bound	Upper bound	
in the lower-cost alternatives other than an increase the probability of importing dogs infected with DMRVV.				

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However, this set of lower-cost alternatives would likely not have a significant impact on reducing the risk of dogs being imported with DMRVV compared to the regulatory baseline. The requirements in the final rule would more effectively reduce this risk. If the age requirements were reduced, importers may be more likely to attempt to circumvent CDC rules to move dogs from DMRVV high-risk to DMRVV-free or low-risk countries prior to importation into the United States. It is difficult to age dogs under six months, and CDC has documented cases of fraud involving the movement of dogs under six months of age from DMRVV high-risk countries to DMRVV-free and DMRVV low-risk countries to avoid rabies vaccination requirements. By requiring all dogs to be at least six months of age, CDC can better confirm that the dog presented matches the documentation presented, particularly the age listed for the dog, and that it is old enough to be adequately vaccinated for rabies.

In addition, transporting dogs under six months of age under conditions with unstable and fluctuating air temperatures, such as those present in the cargo area of a plane, may subject these young animals to adverse events (illness or death) because young animals cannot regulate their body temperature as efficiently as adult animals.²⁴⁵ International travel often results in prolonged time between feeding and watering of animals leading to potential adverse events (illness and death) in young animals due to physiologic stressors associated with or exacerbated by low blood glucose levels, low oxygen environments (such as the cargo area of a plane), dehydration, and the stress of travel.²⁴⁶ This could result in more ill and dead dogs arriving on flights

²⁴⁵ Hardy J. Physiology of temperature regulation. *Physiologic reviews* 1961; 41: 521–606.

²⁴⁶ Jahn K, Ley J, DePorter T, Seksel K. How Well Do Dogs Cope with Air Travel? An Owner-Reported Survey Study. *Animals* (Basel). 2023 Oct 4;13(19):3093. doi: 10.3390/ani13193093. PMID: 37835699; PMCID: PMC10571552.

(reducing the benefits estimated for the final rule). CDC would lack data on the total number of dogs imported into the United States and would have less data to conduct public health investigations in the event that a sick dog is imported from DMRVV-free or low-risk country. In the absence of official certification of the *Certification of U.S.-issued Rabies Vaccination* form, CDC believes it would be much easier for importers of dogs from DMRVV high-risk countries to present fraudulent documentation of U.S. rabies vaccination. It would be more difficult for CDC to verify the identity of dogs arriving with tattoos instead of microchips (increasing the risk of fraudulently imported dogs). Follow-up examination and revaccination of dogs by any U.S.-licensed veterinarian would be less costly in comparison to services provided by CDC-registered ACF; however, this would increase the public health risk associated with foreign-vaccinated dogs from DMRVV high-risk countries. CDC would have limited capacity to follow up with importers to ensure that the dogs had been appropriately examined and revaccinated in a timely manner. Prior to the examination, the dog could come into contact with additional people and potentially other pets or wildlife. Finally, staff at CDC-registered ACF will operate according to CDC regulations and guidance to minimize the risk of disease transmission to humans and other animals. CDC would have very limited oversight of the laboratories conducting serological tests. Importers would also find it easier to obtain fraudulent serological tests from laboratories that are not approved by CDC or may get inaccurate test results from unapproved laboratories. If CDC allowed foreign-vaccinated dogs to arrive at any U.S. port with a CDC quarantine station (also known as a CDC port health station), the government (*i.e.*, CBP and CDC) would not be able to ensure that the dogs had been cleared by a CDC-registered ACF prior to admitting the dogs into the United States. In summary, the lower-

cost alternatives would result in significantly less costs for importers and airlines but would also significantly limit the ability of CDC to prevent the importation of inadequately vaccinated dogs from DMRVV high-risk countries. CDC has observed that many importers have tried to circumvent CDC requirements for dog importation and the provisions in this final rule are chosen to mitigate these risks. The lower-cost alternatives would lead to a significantly increased risk that dogs infected with DMRVV would be imported. However, CDC is unable to quantify the magnitude of this risk directly.

Some of the key assumptions that increase costs for the higher-cost alternative include:

- If the age limit were increased from six months to seven months for imported dogs, the estimated reduction in the number of imported dogs would be six percent instead of five percent as estimated for the final rule.
- If dogs were required to have both a microchip and a tattoo (instead of requiring only microchips), the cost of implementation is assumed to be increased by 125% because dog tattoos tend to cost more than microchips (*i.e.*, the cost for this requirement would 2.25 times the cost of the microchip only.)
- If all importers of dogs had to use the CBP formal entry process for imported dogs, it would require more time to register for (20 minutes on average) and file an entry (15 minutes on average) with the CBP data systems relative to the estimated time required to submit entry data to CDC (seven minutes on average). This would also increase costs for CBP to review the formal entry documentation.
- If all dog importers had to obtain either the *Certification of U.S.-issued Rabies Vaccination* or *Certification of Foreign Rabies Vaccination and Microchip* form endorsed by an USDA Official Veterinarian or Official Government Veterinarian, the costs to importers of dogs from DMRVV-free or low-risk countries would increase because they currently do not need to

obtain these documents (with an assumed cost of \$35 per document on average).

- If importers of U.S.-vaccinated dogs from DMRVV high-risk countries were required to visit a CDC-registered ACF, their costs would increase commensurate with estimates for foreign-vaccinated dogs. CDC also assumed that five percent fewer U.S.-vaccinated dogs would be imported from DMRVV high-risk countries due to the additional cost associated with this requirement.

- If CDC required a 90-day waiting period from the time a dog blood sample was drawn to perform a serological titer test (instead of 30 days as required in CDC technical instructions), there would be additional costs to some importers who would be unable to plan further in advance. These costs could range from staying in the country for an extra 60 days to no cost if importers could arrange to have the blood sample taken earlier relative to when they plan to enter the United States. CDC assumed that it would cost an extra \$200 on average, although this cost would vary

considerably according to importer circumstances.

- If CDC required all dogs imported from DMRVV high-risk countries (including U.S.-vaccinated dogs) to arrive at U.S. ports with CDC-registered ACF instead of limiting this requirement to foreign-vaccinated dogs, the costs to importers of U.S.-vaccinated dogs would increase commensurately and 60% of all imported dogs from DMRVV high-risk countries would have to re-route their travel plans to a U.S. port with a CDC-registered ACF instead of their preferred U.S. port.

The total annualized monetized costs associated with the higher-cost alternative are summarized in Table 5. The costs to importers would increase considerably relative to the requirements included in the final rule (\$108 million versus \$51.0 million for annualized monetized importer costs). The total costs for these alternatives are \$122 million (range: \$31 to \$320 million, 3% discount rate). The annualized monetized benefits this set of higher-cost alternatives is \$1.3 million (range: \$0.51 to \$3.0 million).

CDC did not select any of these higher-cost alternatives because most of these alternatives do not address the highest-risk category of imported dogs, *i.e.*, foreign-vaccinated dogs from DMRVV high-risk countries. As a result, the public health benefits associated with these higher-cost alternatives would not decrease the risk to the public health sufficiently to balance the costs of these alternatives. CDC has not observed any DMRVV infections among U.S.-vaccinated dogs imported from DMRVV high-risk countries or among dogs imported from DMRVV-free or low-risk countries. In addition, CDC can obtain the data it needs from the lower-cost CDC import data submission system and does not require a tattoo in addition to a microchip to confirm the identity of imported dogs. Because of the limited public health benefit and excessive costs, HHS/CDC believes the requirements in the final rule address the risks associated with imported dogs infected with DMRVV or other exotic pathogens more cost effectively than the alternatives.

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Table 5. Annualized, monetized costs and benefits summary table (in 2020 million dollars, over a 10-year time horizon relative to the regulatory baseline, three percent or seven percent discount rate) [Higher-cost alternatives] ^a				Source (RIA Section)
	Most Likely Estimate	Lower bound	Upper bound	
Annualized, monetized benefits (reduced costs)				
Three percent discount rate				
Importer benefits	\$0.69	\$0.30	\$1.4	B2, B3, B4
Airline benefits	\$0.18	\$0.038	\$0.59	B5
DHS/CBP benefits	\$0.22	\$0.09	\$0.34	B6
HHS/CDC benefits	\$0.22	\$0.090	\$0.59	B7
State and local health department benefits	\$0.005	\$0.0	\$0.022	B8
Total benefits (A1)	\$1.3	\$0.51	\$3.0	
Seven percent discount rate				
Importer benefits	\$0.69	\$0.30	\$1.4	B2, B3, B4
Airline benefits	\$0.18	\$0.038	\$0.59	B5
DHS/CBP benefits	\$0.22	\$0.09	\$0.34	B6
HHS/CDC benefits	\$0.22	\$0.09	\$0.59	B7
State and local health department benefits	\$0.005	\$0	\$0.022	B8
Total benefits (A2)	\$1.3	\$0.51	\$3.0	
Annualized, monetized costs				
Three percent discount rate				
Importer costs	\$108	\$25.6	\$293	B2, B3, B4
Airline costs	\$4.2	\$1.8	\$8.0	B5
DHS/CBP costs	\$8.2	\$2.08	\$15.2	B6
HHS/CDC costs	\$1.9	\$1.4	\$2.5	B7
Total costs (B1)	\$122	\$30.9	\$318	
Seven percent discount rate				
Importer costs	\$109	\$25.8	\$295	B2, B3, B4
Airline costs	\$4.2	\$1.8	\$8.1	B5
DHS/CBP costs	\$8.2	\$2.09	\$15.3	B6
HHS/CDC costs	\$2.0	\$1.4	\$2.6	B7
Total costs (B2)	\$123	\$31.1	\$321	
Net annualized costs				
Total (three percent discount rate), (B1) -(A1)	\$121	\$30.4	\$316	
Total (seven percent discount rate), (B2) -(A2)	\$122	\$30.6	\$318	
^a That quantified, but unmonetized, costs and benefits and the qualitative (unquantified) costs and benefits reported in Table 2 for the analysis of the final rule would not be impacted by the changes in the higher-cost alternatives other than a slight decrease the probability of importing dogs infected with DMRVV.				

Impact of the Final Rule on Dog Import Volumes

CDC did not receive any additional data to update its estimates of the number of imported dogs and used the same set of estimates presented in the NPRM analysis. In total, CDC estimates that under the current regulatory baseline, about 800,000 imported dogs

would arrive in the United States each year and that about 500 dogs from DMRVV high-risk countries would be denied admission (Table 6). The number denied entry is based on CDC data from 2020 and the first six months of 2021 prior to the suspension of dog imports from DMRVV high-risk countries. This approach may overestimate the number of dogs denied entry in the future if the

COVID-19 pandemic was associated with a significant increase in dogs denied admission due to pandemic-associated factors. Since dog rabies vaccine certificates are not currently required for dogs from DMRVV-free or DMRVV low-risk countries, CDC did not assume any dogs from these countries would be denied admission under the baseline.

Table 6. Estimated annual numbers of dogs imported into the United States under the current regulatory baseline

	Most likely estimate	Lower bound	Upper bound
Baseline estimate of dog imports			
From DMRVV-free or DMRVV low-risk countries under baseline, total	733,787	619,229	848,344
Airports	371,507	297,205	445,808
Land ports	362,280	322,024	402,536
Canada-U.S. land ports ²⁴⁷	120,780	96,624	144,936
Mexico-U.S. land ports ²⁴⁸	241,500	225,400	257,600
Dogs temporarily denied admission	0	0	0
From DMRVV high-risk countries	65,560	32,780	98,340
Dogs approved entry with adequate rabies vaccination documentation	65,060	32,480	97,590
Dogs denied admission	500	300	750
Total dog imports at baseline	798,847	651,709	945,934

The provisions of the final rule that are expected to reduce the number of dog imports include: (1) age restrictions on air travel for all dogs under six months of age, including dogs from both DMRVV high-risk and DMRVV low-risk or DMRVV-free countries; and (2) the additional costs of fulfilling the requirements for follow-up and revaccination at CDC-registered Animal Care Facilities for foreign-vaccinated dogs from DMRVV high-risk countries. At the same time, HHS/CDC believes that the number of dogs denied admission and returned to their countries of origin would decrease with the provisions included in the final rule because the standardized forms, requirements for carriers to confirm required documentation, and the requirement for foreign-vaccinated dogs from DMRVV-high-risk countries to have reservations at and arrive at U.S.

ports with CDC-registered ACF should reduce the number of dogs denied entry.

The estimated impact of the final rule on the number of dog imports is summarized in Table 7a. HHS/CDC lacks data on what fraction of dogs arriving by air or land are less than six months old under the baseline. In the absence of this information, HHS/CDC assumes five percent (range: three to eight percent) of imported dogs currently are less than six months of age and would not be eligible to be imported into the United States under the final rule. HHS/CDC notes that these provisions should primarily impact individuals traveling with their personal pets because the importation of dogs for resale or adoption (including transfer of ownership) that are less than six months of age is already prohibited by USDA regulations (7 CFR 2148). Another provision of the final rule requires importers of dogs from DMRVV-free or

low-risk countries to submit verified documentation that the animal has been in a DMRVV low-risk or DMRVV-free country for the six months prior to importation into the United States. CDC does not anticipate denying admission to dogs that may arrive from DMRVV-free or low-risk countries without such documentation when the final rule goes into effect, but there may be delays at U.S. ports while HHS/CDC confirms dogs from DMRVV-free or low-risk countries have not been in a DMRVV high-risk country within the last six months.

HHS/CDC assumes that the additional costs associated with importing dogs from DMRVV high-risk countries with foreign-issued rabies vaccination documentation would reduce the number of imports by about 20 percent (range: 10 to 30 percent) with the final rule. In addition, CDC believes the number of dogs from DMRVV high-risk

²⁴⁷ *Id.*

²⁴⁸ *Id.*

countries that are denied entry will decrease with the provisions of the final rule because CDC will be able to require the use of standardized forms to confirm rabies vaccination and CDC-registered ACF follow-up requirements should be clear to importers. The number of dogs denied entry after arriving by air in

calendar year 2022 was 96. Based in part on the number of dogs denied entry during HHS/CDC’s temporary suspension and assuming that number would continue to decrease with a final rule in place, HHS/CDC estimates that about 50 dogs per year from DMRVV high-risk countries would be denied

entry under the final rule. Overall, the final rule is expected to have a small impact on the total number of dogs imported (from about 799,000 [range: 652,000 to 946,000] at baseline to 755,000 [range: 630,000 to 872,000] with the provisions of the final rule in effect).

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²⁴⁹ CDC, Guidance Regarding Agency Interpretation of “Rabies-Free” as It Relates to the Importation of Dogs Into the United States. 84 FR 724 (Jan. 31, 2019).

²⁵⁰ *Id.*

Table 7a. Estimated average annual numbers of dog imports by DMRVV risk category and by immunization status with the final rule relative to the baseline

	Most likely estimate	Lower bound ^b	Upper bound ^c
Baseline estimate of dog imports			
From DMRVV-free or low-risk countries under regulatory baseline			
Total	733,787	619,229	848,344
Airports	371,507	297,205	445,808
Land ports	362,280	322,024	402,536
Canada-U.S. land ports ²⁴⁹	120,780	96,624	144,936
Mexico-U.S. land ports ²⁵⁰	241,500	225,400	257,600
Dogs denied entry from DMRVV-free or low-risk countries	0	0	0
Dogs from DMRVV high risk countries			
Total	65,560	32,780	98,340
Dogs approved entry with rabies vaccination documentation	65,060	32,480	97,590
Estimated fraction of imported dogs from DMRVV high-risk countries that are U.S.-vaccinated	50%	65%	35%
Estimated U.S.-vaccinated dogs	32,530	21,112	34,157
Estimated foreign-vaccinated dogs	32,530	11,368	63,434
Dogs denied entry ^a	500	300	750
Total imported dogs ^a	798,847	651,709	945,934
With final rule			
Dogs from DMRVV-free or low-risk countries			
Fraction of dogs that cannot be imported with final rule at airports (due to age restrictions)	5%	3%	8%
Airports	352,931	288,289	410,143
Dogs approved entry	352,578	288,145	409,528
Dogs temporarily denied entry	353	144	615
Fraction of dogs that cannot be imported with final rule at land ports (due to age restrictions)	5%	3%	8%
Land ports	344,166	312,363	370,333

Table 7a. Estimated average annual numbers of dog imports by DMRVV risk category and by immunization status with the final rule relative to the baseline

	Most likely estimate	Lower bound ^b	Upper bound ^c
Canada-U.S. land ports	114,741	93,725	133,341
Dogs approved entry	114,626	93,678	133,141
Dogs temporarily denied entry	115	47	200
Mexico-U.S. land ports	229,425	218,638	236,992
Dogs approved entry	229,196	218,529	236,637
Dogs temporarily denied entry	229	109	355
Dogs temporarily denied entry from DMRVV-free or low-risk countries (total)	697	300	1,171
Dogs from DMRVV high-risk countries			
Fraction of foreign-vaccinated dog imports that cannot be imported with the final rule due to the higher costs associated with importation	20%	30%	10%
Total	58,554	29,070	91,247
Number of U.S.-vaccinated dogs approved entry	32,530	21,112	34,157
Number of foreign-vaccinated dogs approved entry	25,974	7,928	57,015
Total dogs approved entry	58,504	29,040	91,172
Dogs denied entry and returned to country of origin ^a	50	30	75
Total imported dogs (with final rule) ^a	755,601	629,692	871,648
Total imported dogs (Regulatory Baseline) ^a	798,847	651,709	945,934

^a Since these dogs are denied entry and returned to their countries of origin, they are not included in the total number of imports.

^b The lower bound estimates are selected to minimize the number of dogs imported or the costs associated with the regulatory changes (e.g., when considering dogs from DMRVV high-risk countries, the costs for foreign-vaccinated dogs are much higher than the costs for U.S.-vaccinated dogs). Thus, assuming a greater fraction of dogs from these countries are U.S.-vaccinated would reduce the cost estimate for this final rule. HHS/CDC does not have data for this parameter and had to make assumptions.

^c The upper bound estimates are selected to maximize the number of dogs imported or the costs associated with the regulatory changes (e.g., when considering dogs from DMRVV high-risk countries, the costs for foreign-vaccinated dogs are much higher than the costs for U.S.-vaccinated dogs). Thus, assuming a greater fraction of dogs from these countries are foreign-

The estimated numbers of imported dogs arriving in the United States with

lower-cost alternatives and the higher-cost alternatives are summarized in

Tables 7b and 7c. With the set of lower-cost alternatives, the reduction in the

number of imported dogs relative to baseline is relatively small (most likely estimate: 790,000 [range: 648,000 to 926,000] with lower-cost alternatives compared to a most likely estimate of 799,000 for the regulatory baseline). The costs associated with the potential requirements to import foreign-vaccinated dogs from DMRVV high-risk countries would be less than with the final rule. In addition, the age restrictions for all imported dogs would be mitigated for the lower-cost

alternatives versus the final rule. As a result, the total number of dogs would be greater with the lower-cost alternatives than with the final rule requirements. With the set of higher-cost alternatives, the reduction in the number of imported dogs relative to baseline is greater (most likely estimate: 747,000 [range: 623,000 to 868,000] with higher-cost alternatives compared to a most likely estimate of 799,000 for the regulatory baseline). With the potential higher-cost alternatives, there would be

an additional reduction in the estimated number of U.S.-vaccinated dogs from DMRVV high-risk countries because many of the requirements in the final rule that are limited to foreign-vaccinated dogs would also apply to U.S.-vaccinated dogs. In addition, all imported dogs would have to be seven months of age instead of six months of age, which also result in fewer imported dogs from DMRVV-free or low-risk countries compared to the requirements in the final rule.

Table 7b. Estimated average annual numbers of dog imports by DMRVV risk category and by immunization status with the lower-cost alternatives			
	Most likely estimate	Lower bound ^b	Upper bound ^c
Dogs from DMRVV-free or low-risk countries			
Fraction of dogs that cannot be imported with lower-cost alternatives at airports (due to age restrictions)	2%	1%	3%
Airports	364,077	294,233	432,434
Dogs approved entry	363,712	294,086	431,785
Dogs temporarily denied entry	364	147	649
Fraction of dogs that cannot be imported with lower-cost alternatives at land ports (due to age restrictions)	0.0%	0.0%	0.0%
Land ports	362,280	322,024	402,536
Canada-U.S. land ports	120,780	96,624	144,936
Dogs approved entry	120,659	96,576	144,719
Dogs temporarily denied entry	121	48	217
Mexico-U.S. land ports	241,500	225,400	257,600
Dogs approved entry	241,259	225,287	257,214
Dogs temporarily denied entry	242	113	386
Dogs temporarily denied entry from rabies-free, DMRVV-free, or low-risk (total)	726	308	1,252
Dogs from DMRVV high-risk countries			
Fraction of foreign-vaccinated dog imports from DMRVV high-risk countries that would not occur under the provisions of the lower-cost alternatives due to the higher costs associated with importation	5%	3%	10%
Total	63,434	32,139	91,247
Number of U.S.-vaccinated dogs approved entry	32,530	21,112	34,157
Number of foreign-vaccinated dogs approved entry	30,704	10,907	56,790
Total dogs approved entry	63,234	32,019	90,947
Dogs denied entry and returned to country of origin ^a	200	120	300
Total imported dogs (with lower-cost alternatives)	789,590	648,276	925,916
Total imported dogs (Regulatory Baseline) ^a	798,847	651,709	945,934

^a Since these dogs are denied entry and returned to their countries of origin, they are not included in the total number of imports.

^b The lower bound estimates are selected to minimize the number of dogs imported or the costs associated with the regulatory changes (e.g., when considering dogs from DMRVV high-risk countries, the costs for foreign-vaccinated dogs are much higher than the costs for U.S.-vaccinated dogs). Thus, assuming a greater fraction of dogs from these countries are U.S.-vaccinated would reduce the cost estimate for this final rule. HHS/CDC does not have data for this parameter and had to make assumptions.

^c The upper bound estimates are selected to maximize the number of dogs imported or the costs associated with the regulatory changes (e.g., when considering dogs from DMRVV high-risk countries, the costs for foreign-vaccinated dogs are much higher than the costs for U.S.-vaccinated dogs). Thus, assuming a greater fraction of dogs from these countries are foreign-vaccinated would increase the cost estimate for this final rule. HHS/CDC does not have data for this parameter and had to make assumptions.

Table 7c. Estimated average annual numbers of dog imports by DMRVV risk category and by immunization status with the higher-cost alternatives			
	Most likely estimate	Lower bound ^b	Upper bound ^c
Dogs from DMRVV-free or low-risk countries			
Fraction of dogs that cannot be imported with higher-cost alternatives at airports (due to age restrictions)	6%	4%	8%
Airports	349,216	285,317	410,143
Dogs approved entry	348,867	285,174	409,528
Dogs temporarily denied entry	349	143	615
Fraction of dogs that cannot be imported with higher-cost alternatives at land ports (due to age restrictions)	6.0%	4.0%	8.0%
Land ports	340,543	309,143	370,333
Canada-U.S. land ports	113,533	92,759	133,341
Dogs approved entry	113,420	92,713	133,141
Dogs temporarily denied entry	114	46	200
Mexico-U.S. land ports	227,010	216,384	236,992
Dogs approved entry	226,783	216,276	236,637
Dogs temporarily denied entry	227	108	355
Dogs temporarily denied entry from rabies-free, DMRVV-free, or low-risk (total)	690	297	1,171
Dogs from DMRVV high-risk countries			
Fraction of foreign-vaccinated dog imports from DMRVV high-risk countries that would not occur under the provisions of the higher-cost alternatives due to the higher costs associated with importation	20%	30%	10%
Fraction of U.S.-vaccinated dog imports from DMRVV high-risk countries that would not occur under the provisions of the higher-cost alternatives due to the higher costs associated with importation	5%	3%	10%
Total	56,928	28,436	87,831

Number of U.S.-vaccinated dogs approved entry	30,904	20,479	30,741
Number of foreign-vaccinated dogs approved entry	25,974	7,928	57,015
Total dogs approved entry	56,878	28,406	87,756
Dogs denied entry and returned to country of origin ^a	50	30	75
Total imported dogs (with lower-cost alternatives)	746,637	622,866	868,232
Total imported dogs (Baseline) ^a	798,847	651,709	945,934

^a Since these dogs are denied entry and returned to their countries of origin, they are not included in the total number of imports.

^b The lower bound estimates are selected to minimize the number of dogs imported or the costs associated with the regulatory changes (e.g., when considering dogs from DMRVV high-risk countries, the costs for foreign-vaccinated dogs are much higher than the costs for U.S.-vaccinated dogs). Thus, assuming a greater fraction of dogs from these countries are U.S.-vaccinated would reduce the cost estimate for this final rule. HHS/CDC does not have data for this parameter and had to make assumptions.

^c The upper bound estimates are selected to maximize the number of dogs imported or the costs associated with the regulatory changes (e.g., when considering dogs from DMRVV high-risk countries, the costs for foreign-vaccinated dogs are much higher than the costs for U.S.-vaccinated dogs). Thus, assuming a greater fraction of dogs from these countries are foreign-vaccinated would increase the cost estimate for this final rule. HHS/CDC does not have data for this parameter and had to make assumptions.

HHS/CDC has not attempted to project future changes to the volume of dogs imported annually because of insufficient data. HHS/CDC believes that introducing another factor to project future volumes is not prudent. While HHS/CDC observed an increase in the number of dogs arriving with fraudulent paperwork prior to implementing the temporary suspension, this may not correspond to changes in the total number of dogs imported, of which only a small fraction arrives with fraudulent paperwork.

The most likely estimates of the annual monetized costs and benefits for each interested party or implementing partner with the final rule relative to the regulatory baseline are summarized in Table 8a over a 10-year period from 2024 through 2033 using the estimated values presented in Sections B2 through B9 of the Appendix found in the

Supplemental Materials tab of the docket. The most likely estimate of monetized costs across interested parties is \$79 million in the first year and \$56 million in subsequent years for the final rule relative to the regulatory baseline. The most likely estimate of monetized benefits across interested parties is estimated to be \$1.8 million each year.

The annual costs and benefits for importers are split into importers of dogs from DMRVV-free or DMRVV low-risk countries versus importers of dogs from DMRVV high-risk countries. However, it is likely that some importers of dogs from DMRVV high-risk countries may also be importers of dogs from DMRVV-free or low-risk countries. In addition, the provisions of the final rule may result in some importers switching from importing dogs from DMRVV high-risk countries

to dogs from DMRVV-free or low-risk countries.

As a percentage of total costs, importers were estimated to incur 85 to 87 percent of the total costs (most likely estimates), with a higher fraction of total costs incurred in the subsequent years after the first year of implementation. Total costs are approximately 3.2 to 3.3 times greater for dogs imported from DMRVV high-risk countries compared to dogs from DMRVV-free or low-risk countries. In addition, it is important to note that more than 10 times as many dogs are estimated to be imported from DMRVV-free or low-risk countries. Thus, the cost per dog for importers of dogs from DMRVV high-risk countries is significantly greater than for importers of dogs from DMRVV-free or low-risk countries. This is especially true for foreign-vaccinated dogs from DMRVV high-risk countries.

Table 8a. Most likely estimates of annual monetized costs and benefits by affected party or implementing partner from 2024 – 2033 for the final rule relative to baseline in 2020 USD

Year	Importers of dogs from DMRVV high-risk countries	Importers of dogs from DMRVV -free or low-risk countries	Airlines	Customs and Border Protection	Centers for Disease Control and Prevention	State/ local public health and animal health departments	Total
Annual monetized costs (million)							
2024	\$51.0	\$15.9	\$5.3	\$2.7	\$4.1	\$0	\$79
2025	\$37.7	\$11.3	\$4.0	\$1.617	\$1.7	\$0	\$56
2026	\$37.7	\$11.3	\$4.0	\$1.617	\$1.7	\$0	\$56
2027	\$37.7	\$11.3	\$4.0	\$1.617	\$1.7	\$0	\$56
2028	\$37.7	\$11.3	\$4.0	\$1.617	\$1.7	\$0	\$56
2029	\$37.7	\$11.3	\$4.0	\$1.617	\$1.7	\$0	\$56
2030	\$37.7	\$11.3	\$4.0	\$1.617	\$1.7	\$0	\$56
2031	\$37.7	\$11.3	\$4.0	\$1.617	\$1.7	\$0	\$56
2032	\$37.7	\$11.3	\$4.0	\$1.617	\$1.7	\$0	\$56
2033	\$37.7	\$11.3	\$4.0	\$1.617	\$1.7	\$0	\$56
Annual monetized benefits (million)							
2024	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8
2025	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8
2026	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8
2027	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8
2028	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8
2029	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8
2030	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8
2031	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8
2032	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8
2033	\$0.81	\$0.035	\$0.18	\$0.54	\$0.22	\$0.0049	\$1.8

The costs to airlines are expected to comprise 6.7 to 7.0 percent of total costs. Among Federal government agency costs for the provisions included in the final rule, CBP's additional costs (2.9 to 3.4 percent of the total) are expected to be less than CDC's additional costs (3.0 to 5.2 percent of the total).

The greatest fractions of the most likely estimates of the monetized benefits associated with the provisions in the final rule would accrue to importers of dogs from DMRVV high-risk countries (45 percent) and to CBP (30 percent). For both groups, the costs of screening dogs at U.S. ports would be reduced for two reasons. First, documentation of rabies vaccination for

U.S.-vaccinated dogs from DMRVV high-risk countries would be standardized to reduce the amount time required for screening. Second, fewer dogs would be screened at U.S. ports, reducing time spent on screening. This would result in cost savings for both groups at U.S. ports, although costs for importers to obtain the standardized forms and to forgo importing some dogs would increase (as documented in the cost estimates). Additional benefits are estimated to accrue to importers of dogs from DMRVV high-risk countries, airlines, CBP, and CDC from a reduction in the number of dogs denied entry and returned to their countries of origin.

The most likely estimates of the annual monetized costs and benefits for

each interested party or implementing partner for the lower-cost alternatives relative to the regulatory baseline are summarized in Table 8b over a 10-year period using the estimated values presented in the Appendix found in the Supplemental Materials tab of the docket. For the lower-cost alternatives, the most likely estimates of monetized costs across interested parties are \$31 million in the first year and \$21 million in subsequent years. These estimates are substantially lower than the costs for the final rule as summarized in Table 8a. The most likely estimate of monetized benefits across interested parties is estimated to be \$1.3 million each year.

As a percentage of total costs, importers are estimated to incur 72 to 77

percent of the total costs (most likely estimates), with a higher fraction of total costs incurred in the subsequent years after the first year of implementation. Importer costs are similar for dogs imported from DMRVV high-risk countries and dogs from DMRVV-free or

low-risk countries for the lower-cost alternatives. The costs to airlines are expected to comprise 5.1 to 5.8 percent of total costs. Among Federal government agency costs for the provisions included in the final rule, CBP's additional costs (9.4 percent of

the total) are expected to be less than CDC's additional costs (13.0 percent of the total) in the first year and slightly greater (8.9 percent of the total versus 8.1 percent of the total) in subsequent years.

Table 8b. Most likely estimates of annual monetized costs and benefits by affected party or implementing partner from 2024 – 2033 for lower cost alternatives relative to baseline in 2020 USD

Year	Importers of dogs from DMRVV high-risk countries	Importers of dogs from DMRVV -free or low-risk countries	Airlines	Customs and Border Protection	Centers for Disease Control and Prevention	State/ local public health and animal health departments	Total
Annual monetized costs (million)							
2024	\$11.1	\$11.7	\$1.6	\$2.9	\$4.1	\$0	\$31
2025	\$8.1	\$7.9	\$1.2	\$1.848	\$1.7	\$0	\$21
2026	\$8.1	\$7.9	\$1.2	\$1.848	\$1.7	\$0	\$21
2027	\$8.1	\$7.9	\$1.2	\$1.848	\$1.7	\$0	\$21
2028	\$8.1	\$7.9	\$1.2	\$1.848	\$1.7	\$0	\$21
2029	\$8.1	\$7.9	\$1.2	\$1.848	\$1.7	\$0	\$21
2030	\$8.1	\$7.9	\$1.2	\$1.848	\$1.7	\$0	\$21
2031	\$8.1	\$7.9	\$1.2	\$1.848	\$1.7	\$0	\$21
2032	\$8.1	\$7.9	\$1.2	\$1.848	\$1.7	\$0	\$21
2033	\$8.1	\$7.9	\$1.2	\$1.848	\$1.7	\$0	\$21
Annual monetized benefits (million)							
2024	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3
2025	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3
2026	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3
2027	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3
2028	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3
2029	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3
2030	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3
2031	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3
2032	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3
2033	\$0.57	\$0.010	\$0.12	\$0.42	\$0.14	\$0.0015	\$1.3

The most likely estimates of the annual monetized costs and benefits for each interested party or implementing partner for the higher-cost alternatives relative to the regulatory baseline are summarized in Table 8c over a 10-year period using the estimated values presented in the Appendix found in the Supplemental Materials tab of the

docket. The most likely estimates of monetized costs across interested parties are \$164 million in the first year and \$117 million in subsequent years. The most likely estimate of monetized benefits across interested parties is estimated to be \$1.3 million each year. These estimates are substantially higher than the costs summarized in Table 8a.

As a percentage of total costs, importers are estimated to incur 88 percent of the total costs (most likely estimates). Importer costs are approximately 3.0 to 3.3 times greater for dogs imported from DMRVV high-risk countries compared to dogs from DMRVV-free or low-risk countries. The costs to airlines are expected to

comprise 3.3 to 3.4 percent of total costs. Among Federal government agency costs for the provisions included

in the final rule, CBP’s additional costs (6.7 percent of the total) are expected to

be more than CDC’s additional costs (1.4 to 2.5 percent of the total).

Table 8c. Most likely estimates of annual monetized costs and benefits by affected party or implementing partner from 2024 – 2033 for higher cost alternatives relative to baseline in 2020 USD							
Year	Importers of dogs from DMRVV high-risk countries	Importers of dogs from DMRVV -free or low-risk countries	Airlines	Customs and Border Protection	Centers for Disease Control and Prevention	State/ local public health and animal health departments	Total
Annual monetized costs (million)							
2024	\$107.7	\$35.9	\$5.3	\$11.0	\$4.1	\$0	\$164
2025	\$79.3	\$24.2	\$4.0	\$7.814	\$1.7	\$0	\$117
2026	\$79.3	\$24.2	\$4.0	\$7.814	\$1.7	\$0	\$117
2027	\$79.3	\$24.2	\$4.0	\$7.814	\$1.7	\$0	\$117
2028	\$79.3	\$24.2	\$4.0	\$7.814	\$1.7	\$0	\$117
2029	\$79.3	\$24.2	\$4.0	\$7.814	\$1.7	\$0	\$117
2030	\$79.3	\$24.2	\$4.0	\$7.814	\$1.7	\$0	\$117
2031	\$79.3	\$24.2	\$4.0	\$7.814	\$1.7	\$0	\$117
2032	\$79.3	\$24.2	\$4.0	\$7.814	\$1.7	\$0	\$117
2033	\$79.3	\$24.2	\$4.0	\$7.814	\$1.7	\$0	\$117
Annual monetized benefits (million)							
2024	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3
2025	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3
2026	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3
2027	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3
2028	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3
2029	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3
2030	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3
2031	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3
2032	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3
2033	\$0.65	\$0.035	\$0.18	\$0.22	\$0.22	\$0.0049	\$1.3

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B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act, agencies are required to analyze regulatory options to minimize the significant economic impact of a rule on small businesses, small governmental units, and small not-for-profit organizations. CDC examined the potential impact of the rule on small entities, including small businesses that

may import dogs for commercial purposes as well as airlines that transport dogs internationally. HHS/ CDC lacks key data on the number of dogs imported. In the absence of data on the number of dogs imported, CDC made several assumptions to estimate revenues from small businesses for different categories of businesses that may import dogs and used these revenue estimates to calculate how many dogs could be imported such that the costs associated with the rule would

be less than two percent of estimated revenues. HHS/CDC published an initial regulatory flexibility analysis with the NPRM, invited public comments, but did not receive any comments on the RFA. HHS/CDC did receive some comments from breeders, some of which identified as hobbyists, indicating that the six-month age requirements would impact their ability to import dogs for breeding purposes. HHS/CDC received some comments from breeders and breed enthusiasts reporting that the

costs to import dogs from DMRVV-free or low-risk countries would increase as a result of the six-month age requirement. Other breeders and enthusiasts did not mention an increase in costs, but suggested the change in regulations would reduce the number of exporters willing to send dogs to the United States, which would decrease genetic diversity.

USDA prohibits the importation of dogs under six-months of age for commercial purposes, which includes any transfer of ownership; therefore, importing dogs under six months of age is already prohibited. Thus, HHS/CDC did not consider this as a change to the regulatory baseline. Additionally, HHS/CDC believes that the six-month age requirement for importation helps protect the health and safety of all dog breeds. Since dogs under six months of age are sexually immature and cannot be used for breeding, delaying their importation may not negatively impact their use as breeding animals. Additionally, waiting until a dog is six months of age to import the dog will help ensure the safety and welfare of the dog during international travel when they are subjected to the stresses of international travel (e.g., long travel times, temperature fluctuations, oxygen or altitude changes, and food/water deprivation). Any time a dog becomes ill or dies during international travel, regardless of country of import, Federal and State government agencies must conduct public health investigations to ensure the animal is not infected with a zoonotic disease that could be transmitted to people (or did not die from a zoonotic disease). These investigations take a tremendous amount of resources. HHS/CDC believes that the six-month age requirement for importation helps protect the health and safety of all dogs and will result in a reduced burden on Federal and State government agencies.

Based on these analyses, CDC believes that the only small entities for which this rule would have significant impacts would be those that specialize in importing dogs from DMRVV high-risk countries. The provisions of this rule would probably not have a significant economic impact on small airlines and probably would not have a significant impact on small entities that import dogs from DMRVV-free or DMRVV low-risk countries. The requirement most likely to impact small airlines is § 71.51(dd), which requires airlines to provide bills of lading for all imported dogs. However, there is a waiver process for airlines to have an alternative process while preparing to provide bills of lading. CDC notes that the

importation of dogs less than six months of age for resale or adoption in the United States is already prohibited by USDA regulations (7 CFR 2148). Thus, the minimum age requirements in this rule should not impact entities that sell or resell imported dogs but may impact entities that import very young dogs for commercial purposes other than resale assuming no transfer of ownership.

As part of the economic impact analysis, CDC calculated the marginal cost associated with the rule per dog imported from DMRVV-free or DMRVV low-risk countries (\$23, range: \$7.74 to \$48 per imported dog). The marginal cost associated with the requirements in the final rule per dog imported from DMRVV high-risk countries was further subdivided between foreign-vaccinated dogs (vaccinated outside the United States) (\$1,910, range: \$910 to \$3,800) compared to U.S.-vaccinated dogs (\$41, range: \$15 to \$73). These estimates cover the first year of implementation after a final rule is published. Marginal costs in the second year and later are estimated to be about 25 percent less per dog compared to the first year of implementation.

As discussed in the response to public comments section of the preamble above, the estimated monetized cost estimate has increased considerably relative to the estimates included in the NPRM. The primary reasons for the increase in cost include:

- The fees charged by CDC-registered ACF have increased relative to CDC's preliminary estimates.
- Some U.S. ports require that dogs that need follow-up care at CDC-registered ACF arrive as cargo. This requirement was not anticipated by CDC and will increase costs for importers of foreign-vaccinated dogs from DMRVV high-risk countries who otherwise would have chosen to transport their dogs as hand-carried or checked baggage. The fee charged for cargo shipments are highly variable.²⁵¹ ²⁵² The future costs associated with this rule will depend on U.S. port policies that are subject to change. The average cost for the follow up visit at CDC-registered ACF is estimated to be \$900 (range: \$500 to \$1,300 per dog). The average costs associated with shipping dogs as cargo is estimated to be \$2,000 (range: \$1,500 to \$2,500)²⁵³ compared to an

average of \$300 (range: \$200 to \$400) for dogs shipped as hand-carried or checked baggage.²⁵⁴ Under the regulatory baseline, HHS/CDC assumes 25%, range: 17% to 50% of dogs going to ACF are shipped as cargo. With the final rule, HHS/CDC assumes that 60%, range: 60% to 70% of dogs going to ACF will be shipped as cargo.

- The cost estimate for foreign-vaccinated dogs from DMRVV high-risk countries to re-route travel destinations to arrive at authorized U.S. ports with ACF was increased.

- The costs associated with the requirement for proof that a dog has been only in DMRVV low-risk or DMRVV-free countries have increased because HHS/CDC added more examples of the types of proof required. Each type of document requires certification by a USDA or foreign official government veterinarian. Examples include: (a) a valid foreign export certificate from a DMRVV-free or DMRVV low-risk country that has been certified by an official government veterinarian in that country; (b) a USDA export certificate if the certificate is issued to allow the dogs to travel to a DMRVV-free or DMRVV low-risk country, (c) a valid *Certification of Foreign Rabies Vaccination and Microchip* form if completed in a DMRVV-free or DMRVV low-risk country, or (d) a valid *Certification of U.S.-Issued Rabies Vaccination* form. These documents are often required for individuals to travel internationally with their pets but are not required for travel to Canada or Mexico. These

International Pet Shipping Costs—Feathers & Fur Express (feathersandfur.com). Accessed November 10, 2023. Note that the costs reported in this reference include cargo shipping costs to Germany, the United Kingdom, Japan, and Australia. The reference includes costs for small and large dogs shipped to each country. Costs are much higher for larger dogs or for dogs shipped over longer distances. The highest costs were for Australia, which may be more representative of shipping costs from DMRVV high-risk countries in Africa. The European costs may be similar to shipping costs for dogs imported from DMRVV high-risk countries in Europe or Central America or South America. The costs for Japan may be similar to costs for DMRVV high-risk countries in Asia. The simple average cost across the four countries and dog sizes is \$1,931 in 2023 USD. This would correspond to \$1,622 in 2020 after adjustment with the consumer price index: CPI Inflation Calculator ([bls.gov](https://www.bls.gov)). The most likely estimate is increased to \$2,000 in case the costs to importers from DMRVV high-risk countries would be higher than for the countries for which data are available. This increase from \$1,600 to \$2,000 would also allow some importers to choose to hire shippers to facilitate the importation process or brokers to support customs clearance. The need to hire shippers may be reduced by the need to visit CDC-registered ACF, who may be able to review documentation in advance of arrival when reservations are made.

²⁵⁴ <https://www.airline-pet-policies.com/united-airlines-pet-policy.php>. Accessed 15 Nov 2023.

²⁵¹ <http://www.airline-pet-policies.com/united-airlines-pet-policy.php>. Accessed 15 Nov 2023.

²⁵² Katie Morrell (March 3, 2021) How Much Does It Cost To Fly With Your Dog on a Plane? *Dailypaws.com* <https://www.dailypaws.com/living-with-pets/pet-travel/how-much-does-it-cost-to-fly-a-dog-on-a-plane>. Accessed: 06 February 2022.

²⁵³ Feathers and Fur Express (2023) How much does it cost to fly a pet/s internationally?

documents may be used as long as they specify travel to or from the country from which a dog is imported. Individuals who frequently travel to and from Canada and Mexico (or any other country) can obtain a valid *Certification of U.S.-Issued Rabies Vaccination* form, which will remain valid for multiple trips for up to three years corresponding to the duration of protection for dog rabies vaccines.

- CDC increased the estimated costs associated with shipping blood samples to CDC-approved laboratories for serological testing based on a number of comments from individuals suggesting their shipping costs were higher.

- CDC changed the requirement for importing dogs from DMRVV-free or low-risk countries such that no dogs less than six months may be imported at land borders. This will increase costs for individuals who wish to travel with their young dogs to or from Canada and Mexico.

- CDC increased the estimated costs to airlines by 100% for dogs imported from DMRVV-free or low-risk countries and by 50% for dogs imported from DMRVV high-risk countries to account for a number of commenters who suggested that costs to airlines should be higher than the estimates included in the NPRM analysis.

Some of the cost estimates for the final rule have also decreased due to changes made between the NPRM and the final rule. These include:

- The costs to importers of U.S.-vaccinated dogs from DMRVV high-risk countries were reduced because the final rule will not require that such dogs arrive at U.S. ports with CDC quarantine stations (also known as CDC port health stations).

- The costs for serological testing for foreign-vaccinated dogs from DMRVV high-risk countries were reduced because CDC plans to implement a policy that only one serological test will be required during the lifetime of such dogs as long as they remain current with their rabies vaccinations.

The most significant increase in estimated costs is for importers of foreign-vaccinated dogs from high-risk countries, because the expected fees charged by CDC-registered ACF have

increased and because some U.S. ports or ACF now require dogs who need to visit to CDC-registered ACF to be shipped as cargo. HHS/CDC did not anticipate that some U.S. ports would require that dogs going to ACF be shipped as cargo in analyzing costs for the NPRM. Other U.S. ports do not require dogs going to ACF to be shipped as cargo. U.S. port-specific policies may change in the future, which, in conjunction with the uncertainty around the number of dogs imported, significantly complicates the project of future costs for the requirements in the final rule. As of March 2024, one U.S. port requires dogs going to ACF to be shipped as cargo, one U.S. port recommends dogs be shipped as cargo to avoid clearance delays and four U.S. ports do not have requirements or recommendations for shipping dogs as cargo. In total six U.S. ports have CDC-registered ACF.

The next key change, which will increase the costs for importers of dogs from DMRVV-free or low-risk countries. In response to public comment, HHS/CDC further defined the required documentation needed for importers to prove that a dog has been only in DMRVV low-risk or DMRVV-free countries. For the NPRM, HHS/CDC had assumed that veterinary records from DMRVV-free or low-risk countries would be sufficient. However, after observing a number of importers using fraudulent documentation to circumvent requirements for DMRVV high-risk countries by moving dogs to DMRVV-free or low-risk countries prior to entering the United States. As a result, HHS/CDC is requiring at least one record certified by an official veterinarian in § 71.51(u). A second change is that HHS/CDC is eliminating the exemption for importers of dogs from DMRVV-free or low-risk countries to import three or fewer dogs less than six months of age at land borders. Both of these changes will increase costs to importers of dogs from DMRVV-free or low-risk countries and these changes are reflected in the higher-cost estimates. More information regarding these cost estimates is available in the Appendix

found in the Supplemental Materials tab in the docket.

The estimates summarized below are subject to a great degree of uncertainty. CDC does not know how many dogs any small individual entity currently imports or the average number of imported dogs across entities. However, based on the relative estimates of annual revenues by type of entity and subdivided by the number of employees, CDC calculated how many dogs each entity could import before this final rule would have a significant economic impact on their businesses.

Small Entities That Import Dogs for Commercial Purposes

The estimated revenues of small businesses likely to import and resell dogs are summarized in Table 9. Since there are no specific codes in the North American Industry Classification System (NAICS) specific to dog importers, CDC used the codes 115210, 423820, 424990, 485991, 812910, and 813312 to estimate the revenue of the small businesses that may import and resell dogs. The businesses affected by the final rule would be a fraction of the firms summarized in Table 9, as CDC does not know how many dog importers are in these categories. Small business status was determined based on either firms' revenue or the numbers of employees, according to the Small Business Association's (SBA) table of small business size standards.²⁵⁵ The revenue of firms in each business category subdivided by the number of employees was not available. Using annual payroll data from the Statistics of U.S. Businesses (SUSB),²⁵⁶ CDC estimated the revenue based on the assumption that each firm's payroll expense would be approximately 15 to 30 percent.²⁵⁷

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²⁵⁵ SBA, Table of small business size standards. Effective August 19, 2019. <https://www.sba.gov/document/support-table-size-standards>.

²⁵⁶ 2019 SUSB Annual Data Tables by Establishment Industry. <https://www.census.gov/data/tables/2019/econ/susb/2019-susb-annual.html>.

²⁵⁷ How to figure the gross percent of payroll. <https://smallbusiness.chron.com/figure-gross-percent-payroll-66395.html>.

Table 9. Estimated revenue of small businesses that may import dogs for commercial purposes, 2020 USD

NAICS code	Description	Number of employees	Firms	Annual payroll per firm (thousand USD)	Revenue per firm (thousand USD) ^a		
					Lower bound (Payroll/30%)	Upper bound (Payroll/15%)	Most likely estimate (midpoint)
115210	Support Activities for Animal Production	<5	3,633	\$48	\$161	\$321	\$241
		5-9	585	\$181	\$605	\$1,210	\$907
		10-19	238	\$406	\$1,355	\$2,709	\$2,032
		20-99	118	\$1,259	\$4,197	\$8,394	\$6,296
423820	Farm and Garden Machinery and Equipment Merchant Wholesalers	<5	1,808	\$90	\$300	\$599	\$450
		5-9	958	\$308	\$1,026	\$2,053	\$1,539
		10-19	835	\$693	\$2,309	\$4,619	\$3,464
		20-99	820	\$2,094	\$6,980	\$13,960	\$10,470
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers	<5	7,068	\$75	\$249	\$499	\$374
		5-9	1,493	\$299	\$996	\$1,992	\$1,494
		10-19	791	\$657	\$2,191	\$4,383	\$3,287
		20-99	670	\$1,755	\$5,850	\$11,700	\$8,775
485991	Special Needs Transportation	<5	1,553	\$55	\$184	\$368	\$276
		5-9	554	\$148	\$493	\$986	\$740
		10-19	500	\$338	\$1,127	\$2,254	\$1,691
		20-99	611	\$1,050	\$3,500	\$6,999	\$5,249
812910	Pet Care (except Veterinary) Services	<5	12,257	\$43	\$142	\$283	\$213
		5-9	4,026	\$140	\$466	\$931	\$698
		10-19	2,580	\$280	\$932	\$1,863	\$1,398
		20-99	1,213	\$663	\$2,210	\$4,421	\$3,316
813312	Environment, Conservation and Wildlife Organizations	<5	3,575	\$75	\$249	\$498	\$373
		5-9	1,262	\$263	\$875	\$1,751	\$1,313
		10-19	922	\$516	\$1,720	\$3,441	\$2,580
		20-99	745	\$1,551	\$5,169	\$10,338	\$7,754

^a Revenue was estimated from the annual payroll reported in the 2019 SUSB Annual Data Tables by Establishment Industry (<https://www.census.gov/data/tables/2019/econ/susb/2019-susb-annual.html>). Estimated were updated to 2020 USD using the Consumer Price Index for All Urban Consumers (CPI-U).

CDC assumes that the costs associated with the provisions of the final rule would be significant if the additional costs would exceed two percent of the

estimated revenue shown in Table 9 by category. Unless a small entity only specializes in importing dogs for resale or adoption, the costs associated with

dog importation would only constitute a portion of each firm's operational costs. Other operational costs by an entity should be unaffected by the provisions

included in this final rule. CDC is unaware of the proportion of dog import costs relative to all the other activities for each type of entity. Thus, CDC is not able to directly estimate the impact of the final rule as a fraction of total revenue. Instead, CDC calculates a threshold for each category representing the number of imported dogs at which the cost of the provisions in the final rule to importers would begin to exceed two percent of the revenue of firms in each category. To calculate the number of dogs at which point the costs associated with the final rule would be likely to exceed two percent of revenue for each category of the firm, the category-specific revenue per firm in Table 9 (most likely estimate, lower bound, and upper bound) were multiplied by 2 percent and then divided by the marginal cost per foreign-vaccinated dog from high-risk countries (\$1,910, range: \$910 to \$3,800 per dog). This was repeated for U.S.-vaccinated dogs from DMRVV high-risk countries (\$41, range: \$15 to \$73) and dogs from DMRVV-free or DMRVV low-risk countries (\$23, range: \$7.70 to \$48).

The estimated thresholds for the number of Imported dogs per firm for each small business category are summarized in Tables 10a and 10b. For example, if a wildlife organization (NAICS code 813312) with fewer than five employees imports more than 3.9 foreign-vaccinated dogs (most likely final rule cost estimate and midpoint revenue estimate) from high-risk countries, the costs associated with the final rule would be expected to exceed two percent of revenue. For U.S.-vaccinated dogs, the threshold would increase from about four dog imports to 182 dog imports using the most likely cost estimate and midpoint revenue estimate. This NAICS category may include dog rescue organizations that are likely to work with dogs imported from DMRVV high-risk countries, most or all of which would be foreign vaccinated. Because the marginal cost estimate per dog imported from DMRVV-free or DMRVV low-risk countries is much less than per dog imported from DMRVV high-risk countries, the threshold numbers of dogs that may be imported from

DMRVV-free or DMRVV low-risk countries are much greater than for DMRVV high-risk countries.

The values shown in Tables 10a and 10b are estimated by assuming that all dogs imported by each firm are either from DMRVV-free or DMRVV low-risk countries or, alternatively, from DMRVV high-risk countries. Some firms may import dogs from both types of countries, in which case, the threshold values would be in between the two sets of estimates. The difference in costs may also cause some entities to shift from importing dogs from DMRVV high-risk countries to dogs imported from DMRVV-free or DMRVV low-risk countries. In this case, for a business with NAICS code of 813312, the estimated threshold number of dogs would increase from four imported foreign-vaccinated dogs from DMRVV high-risk countries to 327 dogs imported from DMRVV-free or DMRVV low-risk countries (both thresholds calculated using most likely final rule cost estimate and midpoint revenue estimate).

Table 10a. Estimated threshold for the number of imported dogs from DMRVV high-risk countries per firm at which final rule costs would exceed two percent of revenue during the first year of implementation of the requirements							
NAICS code	Number of employees	Foreign-vaccinated dogs from high-risk countries			U.S.-vaccinated dogs from high-risk countries		
		Most likely estimate	Lower bound	Upper bound	Most likely estimate	Lower bound	Upper bound
Marginal final rule cost per dog (USD))		\$1,913	\$912	\$3,776	\$41	\$15	\$73
Number of imported dogs per year at which final rule cost > 2 percent of revenue							
115210, Support Activities for Animal Production	<5	2.5	3.5	1.7	117.7	218.7	88.3
	5-9	9.5	13.3	6.4	443.0	821.9	332.7
	10-19	21.2	29.7	14.3	992.5	1840.9	744.8
	20-99	65.8	92.1	44.5	3075.2	5702.0	2307.8
423820, Farm and Garden Machinery and Equipment Merchant Wholesalers	<5	4.7	6.6	3.2	219.8	407.6	164.7
	5-9	16.1	22.5	10.9	751.7	1393.9	564.4
	10-19	36.2	50.6	24.5	1692.0	3137.0	1269.9
	20-99	109.5	153.1	73.9	5114.0	9483.0	3838.1
424990, Other Miscellaneous Nondurable Goods Merchant Wholesalers	<5	3.9	5.5	2.6	182.7	338.3	137.2
	5-9	15.6	21.8	10.6	729.7	1353.2	547.7
	10-19	34.4	48.1	23.2	1605.5	2976.7	1205.0
	20-99	91.7	128.3	62.0	4286.1	7947.8	3216.7
485991, Special Needs Transportation	<5	2.9	4.0	1.9	134.8	250.0	101.2
	5-9	7.7	10.8	5.2	361.4	669.8	271.1
	10-19	17.7	24.7	11.9	826.0	1531.1	619.7
	20-99	54.9	76.8	37.1	2563.8	4755.1	1924.3
812910, Pet Care (except Veterinary) Services	<5	2.2	3.1	1.5	104.0	192.9	77.8
	5-9	7.3	10.2	4.9	340.9	633.1	256.0
	10-19	14.6	20.4	9.9	682.8	1266.2	512.2
	20-99	34.7	48.5	23.4	1619.7	3002.5	1215.5
813312, Environment, Conservation and Wildlife Organizations	<5	3.9	5.5	2.6	182.2	338.3	136.9
	5-9	13.7	19.2	9.3	641.3	1188.8	481.4
	10-19	27.0	37.7	18.2	1260.2	2336.8	946.0
	20-99	81.1	113.4	54.8	3787.4	7022.6	2842.3

Table 10b. Estimated threshold for the number of imported dogs from DMRVV-free or DMRVV low-risk countries per firm at which final rule costs would exceed two percent of revenue during the first year of implementation of the requirements				
NAICS code	Number of employees	Dogs from DMRVV-free or low-risk countries		
		Most likely estimate	Lower bound	Upper bound
Marginal final rule cost per dog (USD)		\$22.81	\$7.74	\$47.50
Number of imported dogs per year at which final rule cost > two percent of revenue				
115210, Support Activities for Animal Production	<5	211	416	135
	5-9	795	1,563	510
	10-19	1,782	3,501	1,141
	20-99	5,520	10,844	3,535
423820, Farm and Garden Machinery and Equipment Merchant Wholesalers	<5	395	775	252
	5-9	1,349	2,651	864
	10-19	3,037	5,966	1,945
	20-99	9,180	18,034	5,878
424990, Other Miscellaneous Nondurable Goods Merchant Wholesalers	<5	328	643	210
	5-9	1,310	2,573	839
	10-19	2,882	5,661	1,846
	20-99	7,694	15,114	4,927
485991, Special Needs Transportation	<5	242	475	155
	5-9	649	1,274	415
	10-19	1,483	2,912	949
	20-99	4,602	9,043	2,947
812910, Pet Care (except Veterinary) Services	<5	187	367	119
	5-9	612	1,204	392
	10-19	1,226	2,408	784
	20-99	2,907	5,710	1,862
813312, Environment, Conservation and Wildlife Organizations	<5	327	643	210
	5-9	1,151	2,261	737
	10-19	2,262	4,444	1,449
	20-99	6,799	13,355	4,353

The marginal cost per dog imported for the final rule relative to the reported commercial values of imported dogs are estimated using data from CBP for dogs imported under Harmonized Tariff Schedule code 0106.19.91.20, Other live animals, Other, Other, Dogs is shown in Table 11. The estimated ratio of the marginal cost of final rule requirements relative to the reported value of the commercially imported dogs from DMRVV-free or DMRVV low-risk

countries is 2.9 percent (range: 1.0 percent to 6.1 percent). Based on this ratio, the expected marginal increase in cost per dog imported should not change much for dogs imported from DMRVV-free or low-risk countries.

However, for the foreign-vaccinated dogs imported from DMRVV high-risk countries, the estimated ratio is 536 percent (range: 256 percent to 1059 percent). This ratio is much larger both because the marginal cost per dog

imported for the final rule is much greater and because the reported commercial value of dogs imported from DMRVV high-risk countries is lower compared to dogs imported from DMRVV-free or low-risk countries. Since CBP's commercial values of imported dogs only provide a comparison of the estimated marginal cost of the final rule to reported commercial value, these ratios cannot be directly compared to the revenue

estimates by firm since the costs associated with dog imports would only be a portion of each firm's operational cost. However, it does provide an estimate of the potential increase in cost

per dog imported from either DMRVV-free or low-risk countries or from DMRVV high-risk countries for the final rule. For this analysis, CDC assumes that most of the dogs imported from

DMRVV high-risk countries for commercial purposes would have been vaccinated outside the United States.

Table 11. Estimated impact of the final rule on the cost per dog imported for commercially imported dogs (2020 USD)

	Most likely estimate	Lower bound	Upper bound
Importers from DMRVV-free or low-risk countries			
Baseline ^a			
- Total dogs imported over three years (A)	57,860	-	-
- Average commercial value per dog (B)	\$777	-	-
- Total commercial value (C)=(A)×(B)	\$44,957,220	-	-
With final rule			
- Estimated marginal final rule cost per dog imported (D)	\$22.81	\$7.74	\$47.50
- Total marginal final rule costs for dogs imported for commercial purposes (E)=(D)×(A)	\$1,319,800	\$447,893	\$2,748,194
Estimated ratio of marginal final rule costs to commercial value of imported dogs (E)/(C)	2.94%	1.00%	6.11%
Importers from high-risk countries of foreign-vaccinated dogs			
Baseline ^a			
- Total dogs imported over three years (F)	43,382	-	-
- Average commercial value per dog (G)	\$357	-	-
- Total commercial value (H)=(F)×(G)	\$15,468,053	-	-
With final rule			
- Estimated marginal final rule costs per dog imported (I)	\$1,913	\$912	\$3,776
- Total marginal final rule costs for dogs imported for commercial purposes (J)=(I)×(F)	\$82,983,095	\$39,558,297	\$163,801,943
Estimated ratio of marginal final rule costs to commercial value of imported dogs (J)/(H)	536%	256%	1059%
^a Baseline values were based on the data received from CBP, not publicly available (HTS code 0106.19.91.20).			

U.S. Airlines

The provisions of this final rule would affect U.S. airlines conducting international flight operations arriving in the United States. Of the 60 U.S. airlines with international flights in 2020, 35 airlines can be identified as small business entities. This is based on the size standard of “fewer than 1,500 employees” from the SBA for small businesses within NAICS Code 481111, Scheduled Passenger Air Transportation, and those within NAICS Code 481211, Nonscheduled Chartered Passenger Air Transportation in 2019.²⁵⁸

²⁵⁸ Small Business Association (SBA), Table of small business size standards. Effective August 19,

For the analysis, airline employee counts were estimated from the U.S. Department of Transportation’s Bureau of Transportation Statistics.²⁵⁹ Monthly average numbers of employees in 2019, including part- and full-time employment, were used for U.S. airlines.

The annual revenue per U.S. airline was estimated based on the 2019

2019. <https://www.sba.gov/document/support-table-size-standards>. Accessed: February 21, 2022.

²⁵⁹ Bureau of Transportation Statistics. Air Carrier Financial Reports (Form 41 Financial Data). Air Carrier Financial: Schedule P–1(a) Employees. Bureau of Transportation Statistics. https://www.transtats.bts.gov/DL_SelectFields.asp?gnoyr_VQ=GEF&QO_fu146_anzr=Nv4percent20Pn44vr4percent20Sv0n0pvny. Accessed: February 21, 2022.

revenue of each airline.²⁶⁰ Lower-bound and upper-bound estimates were calculated by multiplying by 75 and 125 percent (Table 12). Among the selected 35 airlines, seven had zero U.S. international arrivals in 2019.²⁶¹

²⁶⁰ Bureau of Transportation Statistics. Air Carrier Financial Reports (Form 41 Financial Data). Air Carrier Financial: Schedule P–1.1, and P–1.2 Operating revenues. https://www.transtats.bts.gov/DL_SelectFields.asp?gnoyr_VQ=FMD&QO_fu146_anzr=Nv4percent20Pn44vr4percent20Sv0n0pvny; and https://www.transtats.bts.gov/DL_SelectFields.asp?gnoyr_VQ=FMI&QO_fu146_anzr=Nv4percent20Pn44vr4percent20Sv0n0pvny. Accessed: February 21, 2022.

²⁶¹ Air Carriers: T–100 International Market (U.S. Carriers Only) https://www.transtats.bts.gov/DL_SelectFields.asp?gnoyr_VQ=GDJ&QO_fu146_anzr=Nv4percent20Pn44vr45. Accessed: February 21, 2022.

Table 12. Estimated annual revenue of small business U.S. airlines				
Airline	Total revenue (million USD)			2019 U.S. arrivals
	Most likely estimate	Lower bound	Upper bound	
1	\$290	\$218	\$363	317
2	\$78	\$58	\$97	279
3	\$112	\$84	\$140	169
4	\$241	\$181	\$301	136
5	\$38	\$28	\$47	116
6	\$44	\$33	\$55	114
7	\$230	\$173	\$288	113
8	\$541	\$406	\$677	111
9	\$218	\$164	\$273	96
10	\$115	\$87	\$144	86
11	\$558	\$419	\$698	80
12	\$1,296	\$972	\$1,620	75
13	\$42	\$31	\$52	73
14	\$52	\$39	\$66	57
15	\$169	\$127	\$212	57
16	\$37	\$28	\$46	55
17	\$104	\$78	\$130	49
18	\$147	\$110	\$183	46
19	\$265	\$199	\$331	45
20	\$7	\$6	\$9	41
21	\$40	\$30	\$50	40
22	\$2	\$1	\$2	31
23	\$105	\$79	\$131	18
24	\$59	\$44	\$74	13
25	\$20	\$15	\$25	12
26	\$19	\$14	\$23	6
27	\$9	\$7	\$12	2
28	\$313	\$235	\$391	1
29	\$12	\$9	\$14	0
30	\$115	\$86	\$143	0
31	\$117	\$88	\$146	0
32	\$13	\$10	\$16	0
33	\$10	\$7	\$12	0
34	\$21	\$16	\$27	0
35	\$19	\$14	\$23	0

The threshold numbers of dogs that may be transported by each airline such that the costs associated with the provisions of this final rule to airlines would be less than two percent of annual revenue are estimated using the same methodology as for the dog importers above. The annualized marginal cost per dog transported by airlines is estimated to be about \$12.81

per dog (range: \$7.12 to \$20.42 per dog) for the requirements in the final rule. This is calculated based on the annualized costs to airlines divided by the number of dogs transported. However, costs are estimated to be higher in the first year of implementation and some airlines may be disproportionately affected if their customers are proportionally more

likely to reduce the number of dogs transported to the United States. The estimated number of dogs is calculated by multiplying the revenue per airline in Table 12 by two percent and then dividing by the marginal airline cost per dog imported in the final rule. As shown in Table 13, the estimated numbers of dogs that each airline could transport were significantly greater than

the number of international passengers reported in 2019 and, in most cases, greater than the total estimated number of dogs estimated to be imported into the United States each year. CDC did not separately estimate marginal costs to airlines for dogs imported from DMRVV-free or DMRVV low-risk countries versus dogs imported from DMRVV high-risk countries. The	estimated marginal cost per dog is higher for airlines to transport dogs imported from DMRVV high-risk countries because dogs from these countries are more likely to be denied entry and abandoned by importers. Thus, marginal costs will be higher for airlines that specialize in travel to DMRVV high-risk countries. However, the general finding still holds that the	provisions of this final rule should not have a significant impact on airlines. Smaller airlines will also be eligible to receive a waiver for the bill of lading requirements included in § 71.51(dd). This should help to reduce the costs of this requirement during the period shortly after the final rule goes into effect since it would allow smaller airlines more time to comply.

Table 13. Estimated threshold of the annual number of imported dogs per airline at which the marginal costs of the final rule begin to exceed 2 percent of annual revenue				
Airline	Most likely estimate	Lower bound	Upper bound	2019 U.S. arrivals
Marginal final rule cost per dog	\$12.81	\$7.12	\$20.42	-
Annual number of transported dogs at which final rule cost > 2 percent of annual revenue				
1	452,883	612,673	355,528	317
2	121,810	163,005	95,003	279
3	174,907	236,076	137,118	169
4	376,362	508,687	294,804	136
5	59,343	78,692	46,033	116
6	68,713	92,744	53,868	114
7	359,183	486,204	282,072	113
8	844,862	1,141,033	663,064	111
9	340,443	460,910	267,380	96
10	179,592	244,507	141,036	86
11	871,410	1,177,568	683,632	80
12	2,023,920	2,731,734	1,586,653	75
13	65,590	87,123	50,930	73
14	81,207	109,607	64,641	57
15	263,922	356,924	207,636	57
16	57,782	78,692	45,053	55
17	162,413	219,213	127,324	49
18	229,565	309,147	179,233	46
19	413,842	559,275	324,186	45
20	10,932	16,863	8,815	41
21	62,467	84,313	48,971	40
22	3,123	2,810	1,959	31
23	163,975	222,024	128,303	18
24	92,138	123,659	72,477	13
25	31,233	42,156	24,485	12
26	29,672	39,346	22,527	6
27	14,055	19,673	11,753	2
28	488,802	660,450	382,951	1
29	18,740	25,294	13,712	0
30	179,592	241,697	140,056	0
31	182,715	247,317	142,995	0
32	20,302	28,104	15,671	0
33	15,617	19,673	11,753	0
34	32,795	44,967	26,444	0
35	29,672	39,346	22,527	0

C. Paperwork Reduction Act of 1995

HHS/CDC has determined that this rule includes information collections and recordkeeping requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). A description of these provisions is given below, with an estimate of the annual reporting and recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information. Comments are invited on the following subjects:

- Whether the collection of information is necessary for the proper performance of the functions of CDC, including whether the information will have practical utility.
- The accuracy of CDC's estimate of the burden of the collection of information.
- Ways to enhance the quality, utility, and clarity of the information to be collected.
- Ways to minimize the burden of the collection of information on respondents, including by using information technology.

Under the PRA, Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. In the NPRM, HHS/CDC published a 60-day notice in the **Federal Register** concerning the collection of information related to proposed updates to 42 CFR 71.50 and 71.51. HHS/CDC addressed all comments above in Section VI. To comply with this requirement, OMB is publishing a notice of a revised data collection in conjunction with this final rule.

Data Collection

Importation Regulations (42 CFR 71 Subpart F) OMB Control No. 0920–1383, Exp. 1/31/2026—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This information collection is a Revision to OMB Control No. 0920–1383 related to the importation of animals, animal products, and human remains. Section 361 of the PHS Act (42 U.S.C. 264) authorizes the Secretary of HHS to make and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. The

existing regulations governing foreign quarantine activities (42 CFR 71) authorize quarantine officers (also known as port health officers) and other U.S. government personnel to inspect and undertake necessary control measures with respect to conveyances, persons, shipments of animals, articles, and other items to protect the public's health.

CDC regulations govern the importation of animals and animal products capable of causing human disease. Animals that are regulated by CDC include dogs, cats, turtles, nonhuman primates (NHPs), civets (and other animals in Family *Viverridae*), African rodents, and bats. CDC controls the importation of these animals to ensure that these animals, or animal products, imported into the United States meet requirements of CDC regulations. CDC does this through a permitting process for certain animals.

HHS/CDC is adding or amending the following information collection instruments:

- CDC is adding a form titled *Certification of Foreign Rabies Vaccination and Microchip* form. This form will capture the rabies vaccination and microchip information for foreign-vaccinated dogs and it must be completed by an authorized veterinarian and certified by a government official from the exporting country. CDC is including certification by an exporting country to prevent fraud and falsification of documentation.

- CDC is adding a new form titled *Certification of U.S.-issued Rabies Vaccination*. This is a standardized form to capture rabies vaccination information for U.S.-vaccinated dogs. It must be completed by a USDA-accredited veterinarian and endorsed by USDA during the exportation process to prevent fraud and falsification of documentation. CDC is creating this standardized form to assist importers in ensuring they provide all required information and to prevent fraud and falsification of documentation.

- CDC is adding the new form titled *Certification of Dog Arriving from DMRVV-free or DMRVV low-risk Country* form. The form can be used to demonstrate that a dog has not been in a DMRVV high-risk country within the last six months if accompanied by veterinary records or proof of payment for veterinary services establishing that veterinary services were performed in a DMRVV-free or DMRVV low-risk country at least six months before traveling to the United States. This form must be completed by an Authorized Veterinarian and must be certified by an Official Government Veterinarian in the

exporting country. This is one option among multiple options that importers of dogs from DMRVV-free or DMRVV low-risk countries can use to certify that their dog has not been in a DMRVV high-risk country within the last six months. Since this is one of multiple options, CDC is estimating that only a small percentage of importers of dogs from these countries will use this form. Additional options for these importers are outlined in technical instructions.

- CDC will continue using the *Application for Special Exemption for a Permitted Dog Import* until the expiration of the temporary suspension on July 31, 2024. Applicants complete this form to apply for a *CDC Dog Import Permit*. CDC has been issuing *CDC Dog Import Permits* to importers of foreign-vaccinated personal pet dogs with a valid rabies vaccine and serologic titer results during the temporary suspension. CDC will discontinue issuing permits to that category of importer once this final rule goes into effect on August 1, 2024. Starting August 1, 2024, CDC will instead use this form to issue permits to importers of dogs from DMRVV-restricted countries. Since CDC is not adding any countries to the DMRVV-restricted country in concurrence with the publication of this rule, CDC does not anticipate using this form in 2024.

- CDC is adding a new form—*CDC Dog Import Form*—which will collect information similar to what is currently approved to be collected on the *Application for Special Exemption for a Permitted Dog Import* form. The *CDC Dog Import Form* is an online form that all importers must complete for each dog imported. It collects contact information for the importer and details about the dog being imported. CDC has added this form to gather data on the number of annual importations of dogs as well as where they originate. This information will assist CDC in its public health investigations related to imported dogs with communicable diseases.

- CDC is adding four new forms related to CDC-registered animal care facilities. Per this final rule, CDC-registered animal care facilities are facilities that are registered with CDC for the revaccination, examination, and quarantine (if applicable) of foreign-vaccinated dogs from DMRVV high-risk countries. In order to register with CDC, representatives of the facility need to complete and sign the following documents to attest to their understanding of the requirements and recommendations for CDC-registered Animal Care Facilities.

- *Application to Operate as a CDC-registered Animal Care Facility*
- *Technical Instructions for CDC-Registered Animal Care Facilities (ACF)*
- *Standard Operating Procedures for SAFE TraQ data use by CDC-registered Animal Care Facilities Participating in Public Health Evaluations of Imported Animals*
- *Rules of Behavior Agreement for Access to Centers for Disease Control and Prevention (CDC) Division of Global Migration Health (DGMH) System for Animal Facility Electronic Tracking of Quarantine (SAFE TraQ)*
 - CDC will make available to air carriers two new forms to assist in the implementation of our requirements for dogs arriving into the United States. Both forms are optional and may be

filled out by the air carriers to help them ensure dogs flown on their flights meet entry requirements. One form is for dogs flown as checked baggage or carried-on and the other form is for dogs flown as cargo.

- CDC may collect information from air carriers that are unable to complete a bill of lading for all dogs arriving into the United States on their flights. In order to transport dogs, these air carriers must request a waiver from CDC by submitting the information outlined in the document titled *Technical Instructions for Air Carriers that are Unable to Create Air Waybills*.

In addition to the forms listed above related to the importation of dogs, CDC is also revising the following forms related to the importation of nonhuman primates (NHP). These are existing

forms currently approved under this information collection. All edits are minor and non-substantive.

- *CDC Notification of Proposed Nonhuman Primate (NHP) Importation to the United States*
- *Application for Registration as an Importer of Nonhuman Primates*
- *Registration Form for NHP Importation (Part 2—Full Quarantine Standard Operating Procedures)*
- *Registration Form for NHP Importation (Part 2—Lab-to-Lab Standard Operating Procedures)*
- *Registration Form for NHP Importation (Part 2—Zoo-to-Zoo Standard Operating Procedures)*

The burden table below has been updated to reflect updated burden hours for the new and amended forms.

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Type of Respondents	Form Name	No. of Respondents	No. of Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours
Importers of Foreign-Vaccinated Dogs from DMRVV high-risk countries*	Application for Special Exemption for a Permitted Dog Import (Attachment 6)	15,000	1	60/60	15,000
Veterinarians of Foreign-Vaccinated Dogs from DMRVV high-risk countries*	<i>CDC Rabies Vaccination and Microchip Record</i> (Attachment 8)	15,000	1	15/60	3,750
Veterinarians of U.S. Vaccinated Dogs from DMRVV high-risk countries*	U.S. Rabies Vaccination certificate (no form)	3,000	1	15/60	750
All Dog Importers	<i>CDC Dog Import Form</i> (Attachment 7)	750,000	1	7/60	87,500
Veterinarians of Dogs from DMRVV-free and low-risk countries and Official Government Veterinarians in Exporting Country of Dogs from DMRVV-free or low-risk countries	<i>Certification of Dog Arriving from DMRVV-free or Low-risk Country</i> (Attachment 9)	1,382,000	1	15/60	345,000

Veterinarians of Foreign-Vaccinated Dogs and Government Veterinarians in Exporting Country of Foreign-Vaccinated Dogs	<i>Certification of Foreign Rabies Vaccination and Microchip</i> form (Attachment 10)	52,000	1	15/60	13,000
USDA-accredited veterinarians	<i>Certification of U.S.-Issued Rabies Vaccination</i> form (Attachment 11)	33,000	1	30/60	16,500
Importers of foreign-vaccinated dogs from high-risk countries	Titer results from CDC-approved laboratory (no form)	25,000	1	30/60	256,000
Air Carriers Transporting Dogs into the U.S.	CDC Airline Job Aid for Dogs Imported as Cargo (Attachment 16)	223	224	5/60	4,163
Air Carriers Transporting Dogs into the U.S.	CDC Airline Job Aid for Dogs Imported as Hand-Carried or Checked Baggage (Attachment 17)	223	1,121	5/60	20,382
Air Carriers	Technical Instructions for Air Carriers that are Unable to Create Air Waybills (Attachment 18)	10	1	120/60	20

Animal Care Facility Applicant	Application to Operate as a CDC-registered Animal Care Facility (Attachment 12)	10	1	120/60	20
Animal Care Facility Applicant	Rules of Behavior Agreement for Access to the Centers for Disease Control and Prevention Division of Global Migration Health System for Animal Care Facility Electronic Tracking of Quarantine (SAFE TRaQ) (Attachment 13)	10	1	5/60	1
Animal Care Facility Applicant	Standard Operating Procedures for SAFE TRaQ use by CDC-Registered Animal Care Facilities Participating in Public Health Evaluations of Imported Animals (Attachment 14)	10	1	10/60	2
Animal Care Facility Applicant	Technical Instructions for CDC-registered Animal Care Facilities (ACF)	10	1	10/60	2

	(Attachment 15)				
NHP Importer Applicant	Application for Registration as an Importer of Nonhuman Primates (Attachment 19)	5	1	30/60	3
NHP Importer	CDC Notification of Proposed Nonhuman Primate (NHP) Importation to the United States (Attachment 20)	25	6	15/60	38
NHP Importer Applicant	Registration Form for NHP Importation Part 2 - Full Quarantine Standard Operating Procedures (Attachment 21)	25	1	120/60	50
NHP Importer Applicant	Registration Form for NHP Importation Part 2 – Lab-to-Lab Standard Operating Procedures (Attachment 22)	5	1	120/60	10
NHP Importer Applicant	Registration Form for NHP Importation Part 2 – Zoo-to-Zoo Standard	10	1	120/60	20

	Operating Procedures (Attachment 23)				
Importers of Turtles, Civets, African Rodents, and Bats	Request to Import CDC-Regulated Animals (Attachment 24)	15	1	15/60	4
Dog and Cat Importers	Record of sickness or death (no form)	50	1	30/60	25
Human Remains Importers	Provide death certificate (no form)	50	1	15/60	13
Importer of Animal Products	Statement or documentation of non-infectiousness (no form)	5,000	1	15/60	1,250
				Total	533,003

*These forms/information collections will be used during the remainder of the temporary suspension of dogs entering the United States from countries with a high risk of rabies, which expires on July 31, 2024. Starting August 1, 2024, the *CDC Rabies Vaccination and Microchip Record* form and the U.S. rabies vaccination certificate will no longer be required and collected. The *Application for Special Exemption for a Permitted Dog Import* form will only be used for the importation of dogs from DMRVV-restricted countries after July 31, 2024.

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D. National Environmental Policy Act (NEPA)

HHS/CDC has determined that amendments to 42 CFR part 71 will not

have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

E. Executive Order 12988: Civil Justice Reform

HHS/CDC has reviewed this final rule under Executive Order 12988 on Civil Justice Reform and determines that this

rule meets the standard in the Executive Order.

F. Executive Order 13132: Federalism

Under Executive Order 13132, if the rulemaking would limit or preempt State, local, or Tribal authorities, then a federalism analysis is required. The agency must consult with State, local, and Tribal officials to determine whether the rule would have a substantial direct effect on State or local governments, as well as whether it would either preempt State law or impose a substantial direct cost of compliance on them. HHS/CDC has determined that this final rule will not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Plain Language Act of 2010

Under 63 FR 31883 (June 10, 1998), Executive Departments and Agencies are required to use plain language in all proposed and final rules. HHS/CDC has attempted to use plain language in this regulation to make our intentions and rationale clear.

List of Subjects in 42 CFR Part 71

Airline, Animal, Carrier, Cat, CDC-registered animal care facility, Communicable diseases, DMRVV, Dog, Dog-maintained rabies virus variant, Entry, Importation, Importer, Microchip, Necropsy, Port, Public health, Quarantine, Rabies, Rabies vaccination, Rabies virus, Serologic testing, Titer, Travel, Zoonotic diseases.

For the reasons discussed in the preamble, the Department of Health and Human Services amends 42 CFR part 71 as follows:

PART 71—FOREIGN QUARANTINE

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

Authority: Secs. 215 and 311 of Public Health Service (PHS) Act, as amended (42 U.S.C. 216, 243); secs. 361–369, PHS Act, as amended (42 U.S.C. 264–272).

- 2. Amend § 71.50 by:

- a. In paragraph (b); adding in alphabetical order definitions for “Authorized veterinarian”, “Cat”, “Dog”, “Histopathology”, and “In-transit shipment”;
- b. Adding in alphabetical order definitions for “Microchip”, “Necropsy”, and “Official government veterinarian;” and
- c. Adding paragraph (c).

The revision and additions read as follows:

§ 71.50 Scope and definitions.

* * * * *

(b) * * *

Authorized veterinarian means an individual who has an advanced degree relevant to the practice of veterinary medicine, has a valid license or accreditation, and is authorized to practice animal medicine in the exporting country.

Cat means any domestic cat (*Felis catus*).

* * * * *

Dog means any domestic dog (*Canis familiaris*).

* * * * *

Histopathology means the study of changes in human or animal tissues caused by disease.

* * * * *

In-Transit Shipment means a cargo shipment originating in a foreign country that is moved through one or more U.S. ports while transiting through the United States to a third-country destination. In-transit shipments pass through a U.S. port of entry and a U.S. port of exit, which may be in the same location, or which may involve numerous stopping points.

* * * * *

Microchip means an implanted radio-frequency device placed under the skin of an animal that contains a unique identification tag that meets the International Standards Organization (ISO) compatibility through ISO 11784 or ISO 11785, or similar technologies as approved by the Director.

Necropsy means an animal autopsy in which the cause of death may be determined through the examination and collection, post-mortem, of tissues, organs, or bodily fluids.

Official government veterinarian means a veterinarian who performs work on behalf of an exporting country's government and can verify the license or credentials of an authorized veterinarian.

* * * * *

(c) Any provision of this subpart held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to continue to give the maximum effect to the provision permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the provision shall be severable from this subpart and shall not affect the remainder thereof or the application of the provision to persons not similarly situated or to dissimilar circumstances.

- 3. Amend § 71.51 by:

- a. In paragraph (a), adding in alphabetical order the definition for “Animal”;
- b. Removing the definition for “Cat”;

- c. Adding in alphabetical order definitions for “Certification of foreign rabies vaccination and microchip”, “CDC dog import form”, “CDC dog import permit”, “CDC-registered animal care facility”, “Certification of dog arriving from DMRVV-free or DMRVV low-risk country”, “Certification of U.S.-issued rabies vaccination”, and “Conditional release”;
 - d. Revising the definition of “Confinement”;
 - e. Removing the definition for “Dog”;
 - f. Adding in alphabetical order definitions for “DMRVV”, “DMRVV-free country”, “DMRVV high-risk country”, “DMRVV low-risk country”, and “DMRVV-restricted country”, “Flight parent”, “Importer”, “SAFE TraQ”, “Serologic testing”, “USDA-accredited veterinarian”, and “USDA official veterinarian”;
 - g. Removing the definition for “Valid rabies vaccination certificate”;
 - h. Removing paragraphs (b) through (g);
 - i. Adding new paragraphs (b) through (g); and
 - j. Adding paragraphs (h) through (ff).
- The revision and additions read as follows:

§ 71.51 Dogs and cats.

(a) * * *

Animal means, for purposes of this section, any domestic cat (*Felis catus*) or domestic dog (*Canis familiaris*).

Certification of foreign rabies vaccination and microchip means the Office of Management and Budget (OMB)-approved form that must be:

- (i) completed by an authorized veterinarian, which may include an official government veterinarian, in the exporting country; and
- (ii) reviewed and signed by an official government veterinarian in the exporting country attesting that the information listed is true and correct.

CDC dog import form means an OMB-approved form submitted to CDC through an online portal that includes the importer's name and contact information; description of the dog, including microchip number and current photographs of the dog's face and body; purpose of importation; travel information, including dates of departure and arrival, country of departure, countries the dog has been physically present in within the last six months, and U.S. port of entry; and other information as described in CDC technical instructions.

CDC dog import permit means a document issued by CDC granting approval to import a dog into the United States from a DMRVV-restricted country. To receive a permit, eligible

importers submit information to CDC that includes the importer's name and contact information; description of the dog, including microchip number and current photographs of the dog's face and body; purpose of importation; travel information, including dates of departure and arrival, country of departure, countries the dog has been physically present in within the last six months, and U.S. port of entry; and other information as described in CDC technical instructions.

CDC-registered animal care facility means a facility registered by CDC for the purpose of providing veterinary care and housing to animals imported into the United States.

Certification of dog arriving from DMRVV-free or DMRVV low-risk country means the OMB-approved form that together with other records may be used by an importer to demonstrate that a dog has been only in DMRVV-free or DMRVV low-risk countries during the six months before the dog's arrival in the United States.

Certification of U.S.-issued rabies vaccination means the OMB-approved form that must be completed by a U.S. Department of Agriculture (USDA)-Accredited Veterinarian and endorsed by a USDA Official Veterinarian prior to a dog's departure from the United States in order to demonstrate compliance with admissibility requirements upon the dog's return to the United States from a DMRVV high-risk country.

Conditional release, when applied to an animal, means the temporary release of an animal from the custody of a carrier or a CDC-registered animal care facility into the care of a licensed veterinarian approved by the Director, for the purpose of receiving emergency medical care or a public health evaluation, pending an admissibility determination or removal of the animal from the United States. The licensed veterinarian must return conditionally released animals immediately to the custody of the carrier or the CDC-registered animal care facility upon the conclusion of such medical care or evaluation.

Confinement, when applied to an animal, means restriction to a building or other enclosure at a U.S. port or other location approved by the Director, including *en route* to a destination, separate from other animals, and from persons except for contact necessary for its care. If the animal is allowed out of the enclosure, it must be muzzled and kept on a leash.

DMRVV means dog-maintained rabies virus variant and includes any rabies virus variant that is known or suspected to have an enzootic transmission cycle

in which dogs are essential for the maintenance of the viral variant. This includes epidemiologic situations in which dogs are the only recognized reservoir species, as well as situations in which dogs and other species (typically wildlife) both play epidemiologically relevant roles in maintaining enzootic transmission.

DMRVV-free country means a country determined by the Director as not having DMRVV present based on internationally accepted standards.

DMRVV high-risk country means a country determined by the Director as having high risk for DMRVV transmission based on factors such as the presence and geographic distribution of the virus, or low quality of or low confidence in rabies surveillance systems or dog vaccination programs. A list of the DMRVV high-risk countries is available on CDC's website.

DMRVV low-risk country means a country determined by the Director as having low risk for DMRVV transmission based on factors such as the virus being limited to a localized area, adequacy of surveillance and dog vaccination programs to prevent further geographic distribution of the virus, and the virus being in a controlled status with the country's heading toward eventual DMRVV-free status.

DMRVV-restricted country means a country from which the import of dogs into the United States has been prohibited or otherwise restricted. Designation of a DMRVV-restricted country may be based on the country's export of dogs infected with DMRVV to any other country within a timeframe determined by the Director or based on the country's lacking adequate controls, as determined by the Director, to monitor and prevent the export of dogs to the United States with falsified or fraudulent rabies vaccination credentials, inaccurate or invalid rabies vaccination documentation, or other fraudulent, inaccurate, or invalid importation documents.

Flight parent means any person transporting one or more animals on behalf of an importer for purposes of resale, adoption, or transfer of ownership. A flight parent is typically solicited through social media and may be compensated (including through goods and services, e.g., complimentary airplane ticket, paid baggage fees, other paid fees) or be uncompensated. If required by USDA, flight parents must possess all required Federal licenses or registrations to transport animals.

Importer for purposes of this section means any person importing or attempting to import an animal into the United States, including an owner or a

person acting on behalf of an importer, such as a broker registered with U.S. Customs and Border Protection (CBP) or a flight parent. If required by USDA, an individual transporting an animal on behalf of an importer, including a flight parent must possess all required Federal licenses or registrations to transport animals.

* * * * *

SAFE TraQ means CDC's System for Animal Facility Electronic Tracking of Quarantine or other system as approved by the Director for tracking pre-clearance management (e.g., quarantine, medical examinations, vaccinations, diagnostic testing, screening, and travel information) of animals arriving in the United States through a CDC-registered animal care facility.

Serologic Testing, when applied to an imported animal, means a rabies antibody titration test performed by a CDC-approved rabies laboratory using a CDC-approved technique. The serology sample must be drawn, submitted, and tested in accordance with CDC technical instructions. The current list of CDC-approved laboratories is available online on CDC's website. CDC will update its website as needed.

USDA-Accredited Veterinarian shall have the same definition as *Accredited Veterinarian* under 9 CFR 160.1.

USDA Official Veterinarian means the Animal and Plant Health Inspection Service (APHIS) veterinarian who is assigned by the USDA Administrator to supervise and perform the official work of APHIS in any U.S. State or several U.S. States.

(b) **Authorized U.S. airports for dogs and cats.** (1) Cats may arrive at and be admitted into the United States through any U.S. airport.

(2) Dogs arriving to the United States from DMRVV low-risk or DMRVV-free countries and with documentation confirming that they have been only in DMRVV low-risk or DMRVV-free countries during the last six months may arrive at and be admitted into the United States through any U.S. airport.

(3) Dogs that have a valid certification of U.S.-Issued rabies vaccination form may arrive at and be admitted into the United States through any U.S. airport.

(4) Dogs that have been in a DMRVV high-risk country within the last six months and have a valid certification of foreign rabies vaccination and microchip form must arrive at and may be admitted only through a U.S. airport with a CDC quarantine station (also known as a U.S. port health station) and a CDC-registered animal care facility.

(5) Dogs that have been in a DMRVV high-risk country within the last six

months that arrive at an unauthorized U.S. airport or that arrive without a valid certification of U.S.-issued rabies vaccination or certification of foreign rabies vaccination and microchip form shall be denied admission and returned to their countries of departure via air pursuant to paragraph (v) of this section.

(6) The current list of U.S. airports with CDC-registered animal care facilities is available on CDC's website. CDC will update the list as needed.

(c) *Authorized U.S. land ports for dogs and cats.* (1) Cats may arrive at and be admitted into the United States through any U.S. land port.

(2) Dogs arriving to the United States from DMRVV low-risk or DMRVV-free countries and with documentation confirming that they have been only in DMRVV-free or DMRVV low-risk countries during the last six months may arrive at and be admitted into the United States through any U.S. land port.

(3) Dogs that have a valid certification of U.S.-issued rabies vaccination form may arrive at and be admitted into the United States through any U.S. land port.

(4) Dogs that have been in a DMRVV high-risk country within the last six months and do not have a valid certification of U.S.-issued rabies vaccination form are not authorized to enter the United States through any U.S. land port and shall be denied admission into the United States.

(d) *Authorized U.S. seaports for dogs and cats.* (1) Cats may arrive at and be admitted into the United States through any U.S. seaport.

(2) Dogs arriving to the United States from DMRVV low-risk or DMRVV-free countries and with documentation confirming that they have been only in DMRVV-free or DMRVV low-risk countries during the last six months may arrive at and be admitted into the United States through any U.S. seaport.

(3) Dogs that have a valid certification of U.S.-issued rabies vaccination form may arrive at and be admitted into the United States through any U.S. seaport.

(4) Dogs that have been in a DMRVV high-risk country within the last six months and do not have a valid certification of U.S.-issued rabies vaccination form are not authorized to enter the United States through any U.S. seaport and shall be denied admission into the United States.

(5) Notwithstanding paragraph (d)(4) of this section, a dog meeting the definition of a "service animal" under 14 CFR 382.3 that has been in a DMRVV high-risk country within the last six months and was vaccinated against

rabies in a foreign country may be admitted through a U.S. seaport if:

(i) The dog accompanies an "individual with a disability" as defined under 14 CFR 382.3; and

(ii) The dog has a valid and complete certification of foreign rabies vaccination and microchip form and a valid serologic titer from a CDC-approved laboratory.

(e) *Limitation on U.S. ports for dogs and cats.* (1) The Director may limit the times, U.S. ports, or conditions under which dogs or cats may arrive at and be admitted to the United States based on an importer's, CDC-registered animal care facility's, or carrier's failure to comply with the provisions of this section or as needed to protect the public's health. If the Director determines a limitation is required, the Director will notify importers, CDC-registered animal care facilities, and carriers in writing of the specific times, U.S. ports, or conditions under which dogs and cats may be permitted to arrive at and be admitted to the United States.

(2) CBP will prescribe the time, place, and manner in which dogs are presented upon arrival at a port of entry, which may include prohibiting dogs from being presented within the Federal Inspection Station.

(f) *Age requirement for all dogs.* (1) All dogs presented for admission into the United States must be at least six (6) months old at the time of their arrival into the United States.

(2) Dogs arriving into the United States that are not at least six (6) months old at the time of their arrival shall be denied admission and returned to the country of departure pursuant to paragraph (v) of this section.

(g) *Microchip requirements for all dogs.* (1) All dogs presented for admission into the United States must have a microchip implanted prior to arrival at the U.S. port.

(2) The microchip must have been implanted on or before the date the current rabies vaccine was administered. Rabies vaccines administered prior to the implantation of a microchip are invalid.

(3) The microchip number must be documented on the certification of foreign rabies vaccination and microchip form, the certification of U.S.-issued rabies vaccination form, or if the dog is arriving from a DMRVV low-risk or DMRVV-free country, documented on one of the forms listed in paragraph (u)(2) of this section and all accompanying veterinary records. The microchip number must also be documented on the CDC dog import form.

(4) Importers must consent to the scanning of the dogs' microchip by CDC quarantine public health officers, CDC-registered animal care facility staff, or their representatives, upon the dogs' arrival at a U.S. port.

(5) Dogs arriving in the United States without a microchip, with a microchip that cannot be detected, with a microchip that does not match the accompanying documentation, or if the importer refuses to have the dogs' microchip scanned, shall be denied admission and returned to the country of departure pursuant to paragraph (v) of this section.

(h) *CDC dog import form for all dogs.*

(1) All importers of dogs must submit a complete and accurate CDC dog import form to CDC via a CDC-approved system prior to the dogs arriving in the United States. This includes accompanied or unaccompanied dogs arriving by air, land, or sea regardless of where the dogs originated or whether arriving as cargo, checked-baggage, or hand-carried baggage. This excludes dogs that are transiting through the United States without making an entry in accordance with paragraph (cc) of this section.

(2) Dogs that arrive without a receipt confirming that the CDC dog import form was submitted before the dogs' arrival in the United States may be denied admission and returned to their country of departure pursuant to paragraph (v) of this section, regardless of the value of the shipment.

(3) Dogs arriving by air without a receipt confirming that the CDC dog import form was submitted before the dogs' arrival in the United States may be held in the care of a CDC-registered animal care facility, on a space-available basis, for up to 24 hours after their arrival. If the dogs arrive at an airport without a CDC-registered animal care facility or if the animal care facility lacks space to house the dogs, the dogs may be held in the care of a licensed veterinarian approved by CDC for up to 24 hours after their arrival until the *CDC Dog Import Form* is filed. The importer (or airline if the importer abandons the animal) is responsible for making all necessary arrangements with a CDC-registered animal care facility or a veterinary clinic (if the CDC-registered animal care facility is unavailable at the airport or lacks space to house the dogs), including arranging transportation to the facility. The airline may require reimbursement from an importer for any associated costs incurred by the airline on the importer's behalf.

(4) Dogs arriving by sea without a receipt confirming submission of a CDC dog import form may be held on board the vessel until the form is filed. The

vessel's owner or operator may require reimbursement from an importer for any associated costs incurred by the vessel's owner or operator on the importer's behalf.

(5) Dogs arriving by land without a receipt confirming submission of a CDC dog import form shall be denied admission and returned immediately to the dogs' country of departure, but such denial does not prevent the importer from reapplying for admission of the dogs after the form is filed.

(6) A receipt confirming submission of the CDC dog import form must accompany all dogs departing foreign locations for travel to the United States. For dogs departing from foreign airports to the United States, the airline must deny boarding to dogs unless the importer has presented this receipt prior to boarding.

(7) Airlines, unless granted a waiver in accordance with paragraph (dd) of this section, are required to create a bill of lading for all dogs arriving in the United States prior to the dogs' arrival. This includes dogs transported as cargo, checked-baggage, or hand-carried baggage. If granted a waiver to the bill of lading requirement, the airline's handling and transport of the dogs must be consistent with the terms of that waiver.

(8) Unless being transported by an airline for which a waiver to the bill of lading requirement has been granted pursuant to paragraph (dd) of this section, dogs arriving by air for which a bill of lading has not been filed prior to their arrival in the United States (or if the airline's handling and transport of the dogs is inconsistent with the terms of the waiver) shall be denied admission and returned to their country of departure pursuant to paragraph (v) of this section.

(i) *Inspection requirements for admission of all dogs and cats.* (1) All animals arriving at a U.S. port shall be inspected upon arrival, and only those animals that show no signs of communicable disease as defined in 42 CFR 71.1 shall be admitted into the United States.

(2) All animals presented for admission into the United States may be subject to additional examination and disease surveillance screening for the purpose of communicable disease surveillance. Ill animals may be required to undergo additional diagnostic testing prior to release of the animal; such testing is not considered surveillance screening.

(3) The Director may require confinement of an animal and examination by a veterinarian when necessary to determine whether the

animal is admissible into the United States, for instance, if dental examination would assist in determining the animal's age.

(4) Importers who refuse to consent to inspection, examination, disease surveillance screening, or diagnostic testing of the animal upon arrival shall have the animal denied admission and returned to its country of departure pursuant to paragraph (v) of this section.

(j) *Examination by a USDA-accredited veterinarian and confinement of exposed dogs and cats or those that appear unhealthy.* (1) If an animal, upon inspection, does not appear to be in good health (e.g., it has signs such as emaciation, lesions of the skin, discharge of the eyes or nose, coughing, sneezing, nervous system disturbances, inability to stand or walk, difficulty breathing, jaundice, vomiting, or diarrhea), or appears healthy but, during shipment, may have been exposed to a sick or dead animal (including an animal other than a dog or cat) suspected of having a communicable disease, the Director may require prompt confinement and veterinary examination.

(2) In the case of animals that appear unhealthy or those that were potentially exposed and arriving by air or sea, the Director may require the airline or vessel's master or operator to arrange for a licensed veterinarian to examine the animal and give or arrange for any tests or treatment indicated. In the case of animals that appear unhealthy or those that were potentially exposed and arriving by land, the Director may deny admission, but such denial does not prevent the importer from reapplying for admission after providing the Director with satisfactory evidence that a licensed veterinarian has examined the animal and administered any tests or treatment as needed to ensure the animal does not have a communicable disease.

(3) Carriers shall maintain a record of sickness of animals occurring while *en route* to the United States and shall submit the record to the CDC quarantine station with jurisdiction for the U.S. port.

(4) Animals that become sick while *en route* or on arrival shall be separated from other animals (including animals other than dogs or cats) as soon as the sickness is discovered and shall be held in confinement pending any necessary examination as determined by the Director.

(5) Airlines (in the case of arrivals by air) or the masters or operators of vessels (in the case of arrivals by sea) shall immediately arrange for confinement and medical evaluation of

any ill or injured animals at a CDC-registered animal care facility or CDC-approved veterinary facility (if a CDC-registered animal care facility is not available) which, in the judgment of the Director, affords protection against transmission of any communicable disease, and suitable housing in accordance with the Animal Welfare Act (7 U.S.C. 2131 *et seq.*, as may be amended). In the case of ill or injured animals arriving by land, the Director may deny admission, but such denial does not prevent the importer from reapplying for admission after providing the Director with satisfactory evidence of confinement (as needed) and examination by a licensed veterinarian.

(6) The airline or vessel's master or operator shall immediately thereafter arrange for transportation of any ill or injured animals by a CBP-bonded transporter to the CDC-registered animal care facility or other CDC-approved veterinary facility (if a CDC-registered animal care facility is not available) for confinement and medical evaluation. The airline or vessel's master or operator shall arrange to have ill or injured animals transported in a way that does not expose transportation personnel or the public to communicable diseases.

(7) The Director will consider the findings of the examination and tests in determining whether the animal may have a communicable disease.

(8) The importer shall bear the expenses of transportation, confinement, examination, tests, and treatment under this paragraph. If an importer fails to arrange for or pay for such expenses or cooperate with any CDC-mandated public health evaluations, then the animal will be considered abandoned, and the carrier shall assume financial responsibility pursuant to paragraph (aa) of this section.

(9) Confinement shall be subject to conditions specified by the Director to protect the public's health.

(10) CDC may request that CBP conditionally release animals for medical evaluation and treatment in emergency or exigent circumstances. Animals eligible for conditional release shall remain under the legal custody of the carrier or CDC-registered animal care facility for the purpose of receiving veterinary medical care. If such animals are conditionally released to a CDC-approved veterinary facility (if a CDC-registered animal care facility is not available or cannot provide the level of care needed), then the animal must be immediately returned to the custody of the carrier or CDC-registered animal care facility once medical treatment is

no longer required or upon request by either CDC or CBP.

(11) If an importer (or carrier if the animal is abandoned by the importer) opts to have an animal euthanized (e.g., under circumstances where the animal is fatally ill or injured), the importer or carrier shall promptly communicate this decision to CDC in writing and prior to euthanasia. Euthanasia does not relieve importers or carriers of the obligation to arrange and pay for testing and necropsy required by CDC.

(k) *Veterinary examination, revaccination against rabies, and quarantine at a CDC-registered animal care facility for foreign-vaccinated dogs from DMRVV high-risk countries.* (1) All dogs arriving into the United States that have been in DMRVV high-risk countries within the last six months and that do not have a valid certification of U.S.-issued rabies vaccination form shall undergo veterinary examination and revaccination against rabies at a CDC-registered animal care facility upon arrival.

(2) The importer is responsible for making all arrangements relating to the examination, revaccination, and quarantine (if applicable) at a CDC-registered animal care facility prior to the dog's arrival in the United States. The costs of examination, vaccination, and quarantine (if applicable) shall be borne by the importer and not at the government's expense.

(3) Prior to granting a reservation, CDC-registered animal care facilities must ensure they have received the following:

(i) The completed certification of foreign rabies vaccination and microchip form;

(ii) Serologic test results (if applicable) obtained from a CDC-approved laboratory on a blood sample drawn, submitted, and tested in accordance with CDC's technical instructions;

(iii) Photos of the dogs' teeth to assist with age verification;

(iv) The travel itinerary for the dogs confirming that the dogs will be arriving only at a U.S. airport with a CDC-registered animal care facility and will not be arriving at any other U.S. port; and

(v) A receipt confirming submission of the CDC dog import form.

(4) Importers must present documentation to airlines confirming their reservation at a CDC-registered animal care facility prior to their dogs boarding a flight to the United States. Airlines must deny boarding to dogs if the importer fails to present such documentation.

(5) Airlines must deny boarding to any foreign-vaccinated dog that has been in a DMRVV high-risk country within the last six months for which the importer has not presented a receipt confirming submission of the CDC dog import form and proof of a reservation at a CDC-registered animal care facility, or that is being presented for travel to an unauthorized U.S. airport.

(6) The airline shall arrange for dogs to be transported by a CBP-bonded transporter to the CDC-registered animal care facility immediately upon arrival at the U.S. airport.

(7) The dogs shall remain in the custody of the CDC-registered animal care facility until the following requirements are met:

(i) Veterinary health examination by a USDA-accredited veterinarian for signs of illness. All illnesses must be documented in SAFE TraQ. CDC will review these illness case reports and determine admissibility prior to the dog's release. Suspected or confirmed communicable diseases, including the presence of ectoparasites (i.e., ticks and fleas), must be reported to CDC prior to release of the dog;

(ii) Confirmation of microchip number;

(iii) Confirmation of age through dental examination by a USDA-accredited veterinarian;

(iv) Vaccination against rabies with a USDA-licensed rabies vaccine that is administered by a USDA-accredited veterinarian; and

(v) Confirmation of adequate rabies serologic titer from a CDC-approved laboratory. Blood samples for serologic tests must be drawn within a timeframe as specified in CDC technical instructions. Dogs that arrive without an adequate rabies serologic test results from a CDC-approved laboratory, or with a serologic test result drawn outside the acceptable timeframe, or with serologic test results outside acceptable parameters, shall be housed at the CDC-registered animal care facility for a 28-day quarantine period following administration of the USDA-licensed rabies vaccine.

(l) *Registration or renewal of CDC-registered animal care facilities.* (1) A facility must register with and receive written approval from the Director to function as a CDC-registered animal care facility before housing any live dog imported into the United States. Applications and all required documents must be submitted to cdcanimalimports@cdc.gov.

(2) The CDC-registered animal care facility must be located within 35 miles of a CDC quarantine station.

(3) To register or renew a registration certificate, a facility must submit the following documents to CDC:

(i) A completed registration/application form;

(ii) A statement of intent that describes the number and types of animals the facility can safely house at any one time, including the number of animals that can be housed in the quarantine area;

(iii) Written standard operating procedures that include all elements required in paragraphs (k) through (q) of this section;

(iv) A copy of all required Federal, State, or local registrations, licenses, and/or permits; a facility must have a USDA Class H intermediate handlers registration (and any additional class licenses or registrations as deemed appropriate by USDA) and a CBP Facilities Information and Resource Management System (FIRMS) code; and

(v) A self-certification signed by the owner or manager of the CDC-registered animal care facility stating that the facility is in compliance and agrees to continue to comply with the regulations in this section.

(3) Upon receiving the documentation required by this section, the Director will review the application and either grant or deny the application for registration as a CDC-registered animal care facility. Applications that are denied may be appealed under paragraph (r) of this section.

(i) Before issuing a registration, the Director may inspect any animal health record, facility, vehicle, or equipment to be used in management, examination, and clearance of imported animals. Thereafter, animal health records, facilities, vehicles, and equipment used in importing animals may be inspected during annual site inspection visits or when otherwise needed to protect the public's health.

(ii) CDC may conduct unannounced inspections of facilities seeking to register or renew their status as a CDC-registered animal care facility or when otherwise needed to protect the public's health.

(iii) CDC inspections will be based on USDA Animal Welfare regulation standards (9 CFR parts 1, 2, and 3) and other standards as outlined in CDC's *Technical Instructions for CDC-registered Animal Care Facilities*.

(iv) Unless revoked in accordance with paragraph (r) of this section, a registration certificate issued under this section is effective for two years beginning from the date CDC issues the registration certificate.

(v) A CDC-registered animal care facility must apply to CDC for renewal

of the registration certificate not less than 60 days and not more than 90 days before the existing registration expires.

(4) The Director may deny an application to register, renew, or reinstate a facility as a CDC-registered animal care facility if the registrant has had a previous registration revoked in accordance with paragraph (r) within the last five years.

(5) All CDC-registered animal care facilities must comply with the requirements of paragraphs (k) through (q) of this section.

(m) *Record-keeping requirements at CDC-registered animal care facilities.* (1) A CDC-registered animal care facility must retain records regarding each imported animal for three years after the release or return of the animal. Each record must include:

(i) the bill of lading (or other alternative documentation if the airline has been granted a waiver under paragraph (dd) of this section) for the shipment;

(ii) the name, address, phone number, and email address of the importer and owner (if different from the importer);

(iii) the number of animals in the shipment;

(iv) the identity of each animal in each shipment, including name, microchip number, date of birth, sex, breed, and coloring;

(v) the airline, flight number, date of arrival, and port of arrival of the shipment; and

(vi) veterinary medical records for the animal, including:

(A) Certification of foreign rabies vaccination and microchip form and rabies serology obtained before arrival in the United States (if applicable);

(B) the USDA-licensed rabies vaccine administered upon arrival;

(C) veterinary examination records upon arrival and while in quarantine;

(D) rabies serology performed while in quarantine in the United States (if applicable);

(E) all diagnostic test results performed during quarantine; and

(F) necropsy reports for imported animals that die while in the care of the CDC-registered animal care facility.

(2) A CDC-registered animal care facility must maintain records electronically in SAFE TraQ.

(i) Copies of all records must be entered directly into or uploaded into SAFE TraQ;

(ii) Records must be uploaded and complete prior to the animal's release from the facility (or for necropsy results within 30 days of an animal's death); and

(iii) CDC will audit records remotely as needed and in-person during site inspection visit(s) at the facility.

(n) *Worker protection plan and personal protective equipment (PPE).* (1) A CDC-registered animal care facility must establish and maintain a worker protection plan with standards comparable to those in the Occupational Safety and Health Administration's *Recommended Practices for Safety and Health Programs* and the National Association of Public Health Veterinarians (NASPHV) *Compendium of Veterinary Standard Precautions for Zoonotic Disease Prevention in Veterinary Personnel*.

(2) In addition to complying with the requirements of this section, a facility must comply with all relevant Federal and State requirements relating to occupational health and safety.

(3) Rabies pre-exposure prophylaxis is required for workers who handle imported animals with signs of illness or in quarantine, and for staff who perform necropsies of imported animals. Rabies pre-exposure prophylaxis must be administered in accordance with the Advisory Committee on Immunization Practices guidelines for pre-exposure prophylaxis vaccination to prevent human rabies.

(4) Post-exposure procedures that provide potentially exposed workers with direct and rapid access to a medical consultant are required.

(5) Procedures for documenting the frequency of worker training, including for those working in the quarantine area, are required.

(6) As part of the worker protection plan, a facility must establish, implement, and maintain hazard evaluation and worker communication procedures that include the following:

(i) Descriptions of known communicable disease and injury hazards associated with handling animals;

(ii) The need for PPE when handling animals and training in the proper use of PPE, including re-training and reinforcement of appropriate use;

(iii) Procedures for disinfection or safe disposal of garments, supplies, equipment, and waste; and

(iv) Procedures for reporting to CDC within 48 hours suspected or confirmed communicable diseases in facility workers associated with handling imported animals.

(o) *CDC-registered animal care facility standard operating procedures, requirements, and equipment standards for crating, caging, and transporting live animals.* (1) Equipment standards for crating, caging, and transporting live animals must be in accordance with USDA Animal Welfare regulation standards (9 CFR parts 1, 2, and 3) and

International Air Transport Association standards.

(2) Animals must not be removed from crates during transport.

(3) Used PPE, bedding, and other potentially contaminated material must be removed from the ground transport vehicle upon arrival at the animal care facility and disinfected in a manner that would destroy potential pathogens of concern or safely disposed of in a manner that prevents the spread of communicable disease.

(p) *Health reporting and veterinary service requirements for animals at CDC-registered animal care facilities.* (1) A CDC-registered animal care facility must provide the following services for each animal upon arrival and ensure that each animal meets CDC entry requirements prior to release from the facility:

(i) veterinary examination by a USDA-accredited veterinarian within one business day of arrival;

(ii) verification of microchip and confirmation that the microchip number matches the animal's health records;

(iii) verification of an animal's age via a dental examination or, if dental examination cannot be reliably performed, verification through another CDC-approved diagnostic method (e.g., ocular lens examination, radiographs);

(iv) revaccination against rabies using a USDA-licensed vaccine; and

(v) confirmation of a valid serology test from a CDC-approved laboratory on a sample drawn from a dog prior to arrival within a timeframe and results within parameters as specified in CDC technical instructions, or completion of a 28-day quarantine at the CDC-registered animal care facility after administration of the USDA-licensed rabies vaccine.

(2) A CDC-registered animal care facility must provide the following services upon the occurrence of any morbidity or mortality in an imported animal in the facility:

(i) Immediate isolation of the animal and implementation of infection prevention and control measures in accordance with industry standards and CDC technical instructions if a communicable disease is suspected.

(ii) Notification to CDC within 24 hours of the arrival of an ill animal or occurrence of any illness or death occurring in an animal.

(iii) Examination by a USDA-accredited veterinarian immediately upon detection of illness and diagnostic testing to determine the cause of illness. All costs associated with examination and diagnostics are the responsibility of the importer.

(iv) For any animal that dies or is euthanized due to fatal illness or injury, necropsy (gross and histopathologic examination are required), and any subsequent infectious disease testing based on gross or histopathology findings or as determined by CDC, to determine the cause of death. The importer is responsible for all costs associated with necropsy and testing.

(v) Suspected or confirmed communicable diseases, including the presence of ectoparasites (*i.e.*, ticks and fleas), must be reported to CDC within 24 hours of identification.

(3) Upon completion of the quarantine period and before a facility releases any animal from quarantine, the facility must ensure that the facility's USDA-accredited veterinarian has verified the health status of the animal.

(4) Any report required under this paragraph must be uploaded to SAFE TraQ prior to the release of the animal.

(q) *Quarantine requirements for animals at CDC-registered animal care facilities.* (1) A CDC-registered animal care facility must maintain a quarantine area for holding animals when quarantine is required. Foreign-vaccinated dogs that have been in a DMRVV high-risk country within six months of arrival must be quarantined for 28 days after revaccination with a USDA-licensed rabies vaccine at the facility if they do not have a valid rabies serologic test from a CDC-approved laboratory. CDC may also require quarantine or extend the quarantine period if a facility or CDC finds or suspects that an animal is infected with, or has been exposed to, a communicable disease or if CDC determines that additional diagnostic testing is warranted.

(2) For any quarantine area established or maintained under this section, a facility must establish, implement, maintain, and adhere to standard operating procedures that meet the following physical security requirements:

(i) The CDC-registered animal care facility must be locked and secure, with access limited to authorized and trained personnel.

(ii) A CDC-registered animal care facility must limit access to animal quarantine areas to authorized personnel responsible for the transport, care, or treatment of the animals.

(3) During the quarantine period, a CDC-registered animal care facility must monitor animals for signs of any communicable disease, including, but not limited to, signs consistent with rabies, brucellosis, leptospirosis, leishmaniasis, or ecto- or endoparasites.

(4) If any animals appear ill during quarantine, the CDC-registered animal care facility must, in accordance with paragraphs (p)(2)(i) through (v) of this section, ensure appropriate evaluation, monitoring, and treatment. Suspected or confirmed communicable diseases in animals must be reported to CDC within 24 hours.

(5) A CDC-registered animal care facility must not knowingly release any ill animal from quarantine under paragraph (q)(3) of this section without prior consultation with and written approval from CDC.

(6) Quarantined animals must be housed in such a manner that they do not expose other quarantined animals or non-quarantined animals (including animals other than dogs or cats) to potentially infectious materials, including soiled bedding, caging, and other potentially contaminated items. Animals in quarantine may not be housed together.

(7) If CDC notifies a CDC-registered animal care facility of any evidence that animals have been exposed to a communicable disease, the facility must, at the facility's expense (subject to reimbursement by the importer or carrier (in case of abandonment)), implement or cooperate in the CDC's implementation of additional measures to rule out the spread of suspected communicable disease before releasing an animal or shipment of animals from quarantine, including examination, additional diagnostic procedures, treatment, detention, extended quarantine, isolation, seizure, or destruction of exposed animals.

(8) A CDC-registered animal care facility must establish, implement, and adhere to standard operating procedures for safe handling and necropsy of any animal that dies in quarantine.

(r) *Revocation and reinstatement of a CDC-registered animal care facility's registration.* (1) The Director may revoke a CDC-registered animal care facility's registration if the Director determines that the facility has failed to comply with any applicable provisions of this section, the facility's standard operating procedures, USDA Animal Welfare standards (9 CFR parts 1, 2, and 3), or other standards as outlined in CDC's *Technical Instructions for CDC-registered Animal Care Facilities*.

(2) CDC will send the CDC-registered animal care facility a notice of revocation stating the grounds upon which the proposed revocation is based.

(3) If the CDC-registered animal care facility wishes to contest the revocation, the facility must file a written response to the notice within five business days after receiving the notice.

(4) As part of the response, a CDC-registered animal care facility may request that the Director review the written record.

(5) If a CDC-registered animal care facility fails to file a response within five business days, all of the grounds listed in the proposed revocation will be deemed admitted, in which case the notice shall constitute final agency action, unless the Secretary, within one business day, decides to excuse the facility's failure to respond on a timely basis.

(6) If a CDC-registered animal care facility's response is timely, the Director will review the registration, the notice of revocation, the response, and make a decision in writing based on the written record.

(7) As soon as practicable after completing the written record review, the Director will issue a decision in writing that shall constitute final agency action, unless the Secretary, within one business day, decides to review the Director's decision. The Director will provide the facility with a copy of the written decision.

(8) The Director may reinstate a revoked registration after inspecting the facility, examining its records, conferring with the facility, and receiving information and assurance from the facility of compliance with the requirements of this section.

(s) *Requirement for the certification of foreign rabies vaccination and microchip form to import foreign-vaccinated dogs from DMRVV high-risk countries.* (1) Importers of foreign-vaccinated dogs from DMRVV high-risk countries must submit the certification of foreign rabies vaccination and microchip form to the CDC-registered animal care facility in order to make a reservation at that facility.

(2) Importers must present documentation confirming the dog's reservation at a CDC-registered animal care facility to the airline prior to boarding and to CBP upon arrival at a U.S. port for admission of foreign-vaccinated dogs from DMRVV high-risk countries.

(3) The certification of foreign rabies vaccination and microchip form must be truthful and accurate, completed in English, and include:

(i) The name of the person importing the dog (consignee), physical address, phone number, email address, passport number, and date of birth;

(ii) The owner's name, phone number, and email address;

(iii) The destination address (physical address) where the dog will reside upon arrival in the United States;

(iv) The dog's name, breed, sex, date of birth or approximate age if the date of birth is unknown, and color or markings of the dog;

(v) Rabies vaccination information for the dog administered within a timeframe and in accordance with the vaccination schedule as specified in CDC technical instructions;

(vi) Rabies vaccine product information (product name, manufacturer, lot number, and product expiration date);

(vii) Rabies vaccine expiration date (date when next vaccine is due), which must be after the dog's date of arrival at a U.S. port;

(viii) Microchip number and microchip implant date, which must be on or before the date of administration of the most recent rabies vaccination included on this form;

(ix) The name, license number or official stamp, address, telephone number, email address, and signature of the authorized veterinarian or official government veterinarian that examined the dog in the exporting country; and

(x) The name, address, official seal or stamp, and signature of an official government veterinarian attesting that the authorized veterinarian is licensed or authorized to practice veterinary medicine in the exporting country and further attesting that the information listed on the form is true and correct.

(4) Importers who fail or refuse to present the certification of foreign rabies vaccination and microchip form or present a form that is untruthful, inaccurate, and incomplete may result in the dog being denied admission and returned to the country of departure pursuant to paragraph (v) of this section.

(t) *Requirement for Certification of U.S.-Issued Rabies Vaccination form for importers seeking to import U.S.-vaccinated dogs from DMRVV high-risk countries.* (1) Importers returning to the United States with a U.S.-vaccinated dog that has been in a DMRVV high-risk country within the last six months may present their dog for admission without a rabies serologic test from a CDC-approved laboratory, without the dog undergoing veterinary examination (unless ill, injured, or exposed), and without revaccination against rabies or quarantine at a CDC-registered animal care facility upon arrival under the following circumstances:

(i) The importer presents a certification of U.S.-issued rabies vaccination form that is truthful, complete, and accurate.

(ii) The importer presents a valid certification of U.S.-issued rabies vaccination form that sufficiently and reliably demonstrates that a USDA-

licensed rabies vaccine was administered within a timeframe and age parameters as specified in CDC technical instructions.

(2) The certification of U.S.-issued rabies vaccination form must have been completed and endorsed prior to the dog leaving the United States and cannot be completed upon arrival at a U.S. port or after the dog has left the United States.

(3) Importers returning to the United States from a DMRVV high-risk country with their U.S.-vaccinated dog that are unable to meet the requirements of this paragraph shall have the dog treated as if it was vaccinated in a foreign country in accordance with the provisions of paragraphs (k) and (s) of this section or, alternatively, have the dog denied admission and returned to the country of departure pursuant to the paragraph (v) of this section.

(4) If an importer fails to immediately (within 24 hours of arrival) arrange for the dog's return to the country of departure, then the animal will be considered abandoned pursuant to paragraph (aa) of this section.

(u) *Requirement for proof that a dog has been only in DMRVV low-risk or DMRVV-free countries.* (1) Dogs arriving, including those returning to the United States, from a DMRVV low-risk or DMRVV-free country may be admitted into the United States subject to the requirements in this section if the importer submits written documentation satisfactory to the Director that for the six months before arrival, the dog has been only in DMRVV low-risk or DMRVV-free countries.

(2) For purposes of paragraph (u)(1) of this section, written documentation satisfactory to the Director shall include any one of the following:

(i) A valid certification of foreign rabies vaccination and microchip form if completed in a DMRVV-free or DMRVV low-risk country and the dogs are arriving into the United States from the same DMRVV-free or DMRVV low-risk country as that listed on the form. This form must be completed by an authorized veterinarian, which may include an official government veterinarian in the exporting country;

(ii) A valid certification of U.S.-issued rabies vaccination form completed by a USDA-accredited veterinarian and endorsed by a USDA official veterinarian;

(iii) A valid USDA export certificate if the certificate is issued to allow the dogs to travel to a DMRVV-free or DMRVV low-risk country and the dogs are

returning to the United States from the same DMRVV-free or DMRVV low-risk country as that listed on the export certificate. The form must be completed by a USDA-accredited veterinarian and endorsed by a USDA official veterinarian;

(iv) A valid foreign export certificate from a DMRVV-free or DMRVV low-risk country that has been certified by an official government veterinarian in that country. The export certificate must be accompanied by veterinary records (such as the European Union pet passport) or proof of payment for veterinary services establishing that veterinary services were performed in the exporting country at least six months before traveling to the United States;

(v) A certification of dog arriving from DMRVV-free or DMRVV low-risk country form if accompanied by veterinary records or proof of payment for veterinary services establishing that veterinary services were performed in the same DMRVV-free or DMRVV low-risk country at least six months before travel to the United States. This form must be completed by an authorized veterinarian, which may include an official government veterinarian, and must be certified by an official government veterinarian in the exporting country; or

(vi) Other records or documents satisfactory to the Director that CDC may establish through technical instructions and publish on its website.

(v) *Denial of admission of dogs and cats.* (1) The following categories of animals are inadmissible to the United States:

(i) Any dog arriving from a DMRVV low-risk or DMRVV-free country without written documentation satisfactory to the Director that the dog has been only in DMRVV low-risk or DMRVV-free countries during the six months prior to the attempted entry, or if the Director reasonably suspects fraud.

(ii) Any dog that is not accompanied by a receipt confirming that a CDC dog import form has been submitted to CDC through a CDC-approved system.

(iii) Any dog arriving by air for which a bill of lading, including an air waybill, has not been created by the airline prior to the dog's arrival in the United States (regardless of the value of the shipment) unless the airline transporting the dog has been granted a waiver pursuant to paragraph (dd) of this section and the airline's handling and transport of the dog is consistent with the terms of that waiver.

(iv) Any unvaccinated or foreign-vaccinated dog arriving by land to the

United States if the dog has been in a DMRVV high-risk countries within the last six months.

(v) Any unvaccinated or foreign-vaccinated dog arriving by sea to the United States if the dog has been in a DMRVV high-risk country within the last six months, except for a foreign-vaccinated dog qualifying as a service animal and meeting the standards set forth in paragraph (d)(5) of this section.

(vi) Any animal imported by an importer who refuses to comply with the requirements (if applicable) for disease surveillance screening, microchip scanning, veterinary examination, diagnostics tests to rule out communicable diseases, revaccination, providing proof of sufficient rabies serologic tests, or quarantine (if applicable) at a CDC-registered animal care facility or other CDC-approved facility (if a CDC-registered animal care facility is not available) upon arrival.

(vii) Any dog that has been in a DMRVV high-risk country within the last six months and arrives without a valid certification of U.S.-issued rabies vaccination form or a valid certification of foreign rabies vaccination and microchip form.

(viii) Any foreign-vaccinated dog that has been in a DMRVV high-risk country within the last six months and does not arrive via air at a U.S. airport with a CDC quarantine station and a CDC-registered animal care facility, except for a foreign-vaccinated dog arriving by sea that qualifies as a service animal and meets the standards set forth in paragraph (d)(5) of this section.

(ix) Any dog imported from a DMRVV high-risk country that arrives without a reservation at a CDC-registered animal care facility (if applicable).

(x) Any dog from a DMRVV-restricted country that arrives without a valid CDC dog import permit.

(xi) Any dog, regardless of country of departure, if the Director reasonably suspects fraud in any documentation required for admission or if such documentation is otherwise untruthful, inaccurate, or incomplete.

(xii) Any animal, regardless of country of departure, that poses a public health risk, including animals that appear unhealthy upon arrival or demonstrate signs or symptoms of communicable disease.

(xiii) Any dog under six months of age that arrives in the United States.

(xiv) Any dog that arrives in the United States without a microchip or without its microchip number documented on the importation paperwork required by CDC.

(2) An importer must meet the admission requirements of all U.S. government agencies for the admission of an animal into the United States. Satisfaction of CDC's requirements for the admission of animals does not fulfill the admission requirements of other U.S. government agencies.

(w) *Dogs and cats awaiting an admissibility determination or return to their country of departure.* (1) Animals arriving by air that are denied admission and awaiting return to their country of departure or awaiting a determination as to their admissibility must be held in a CDC-registered animal care facility or other CDC-approved facility (if a CDC-registered animal care facility is not available) in such a way as to prevent the potential spread of communicable diseases.

(2) An airline must arrange to transport an animal arriving by air to a CDC-registered animal care facility (or other boarding, kennel, or veterinary clinic approved by CDC if a CDC-registered animal care facility is not available) if the animal is denied admission and is awaiting return to its country of departure or is awaiting a determination of its admissibility. If the animal is apparently healthy, the airline must transport the animal (by a CBP-bonded transporter) within 12 hours of its arrival.

(3) An airline must immediately report an obviously ill or injured animal (e.g., the animal is unable to stand, has difficulty breathing, is bleeding, has broken bones or disfigured limbs, or is experiencing seizures, vomiting, or discharge from the nose, mouth, or eyes) arriving into the United States to the CDC quarantine station of jurisdiction.

The airline must immediately arrange to transport an obviously ill or injured animal by a CBP-bonded transporter to a CDC-registered animal care facility or veterinary clinic as directed by CDC.

(4) Animals arriving by sea that are denied admission must remain on the vessel while awaiting return to the country of departure.

(x) *Disposal or disposition of dogs and cats denied admission to the United States.* (1) Animals shall be subject to such additional requirements as authorized under this part or 42 CFR part 70 as may be deemed necessary by the Director to protect the public's health, including suspension of entry under § 71.63.

(2) Animals denied admission to the United States that were transported to the United States via air must be returned by the airline to the country of departure at the importer's expense on the next available outbound flight (no later than 72 hours after arrival),

regardless of airline or route, if fit to travel. Pending the animal's return, the animal shall be detained at the importer's expense in the custody of the carrier at a CDC-registered animal care facility (or other boarding, kennel, or veterinary clinic approved by CDC if a CDC-registered animal care facility is not available).

(3) Animals denied admission to the United States that were transported to the United States via sea shall be reembarked immediately by the vessel's master or operator and returned to their country of departure on the next voyage.

(4) Animals denied admission to the United States that were transported to the United States via land shall be returned immediately by importer or carrier to their country of departure.

(5) If an animal is not fit to travel, poses a public health risk, or would pose a risk to other animals, then the carrier shall arrange for the animal to be transported to a CDC-registered animal care facility or a CDC-approved veterinary clinic (if a CDC-registered animal care facility is not available) for housing and treatment by a licensed veterinarian until approved for travel by CDC or humanely euthanized (e.g., under circumstances where the animal is fatally ill or injured) by a licensed veterinarian. The importer shall be responsible for all costs associated with the denial, veterinary evaluation, care, or disposal of the animal. If the importer refuses to pay for any costs associated with the denial, evaluation, care, or disposal of the animal, then it will be considered abandoned, and the carrier shall assume custody and financial responsibility for these costs.

(6) If humane euthanasia is recommended by a veterinarian or chosen by an importer or carrier (e.g., under circumstances where the animal is fatally ill or injured), the animal must be euthanized by a U.S.-licensed veterinarian in accordance with American Veterinary Medical Association guidelines. Euthanasia does not relieve carriers or importers of the obligation to arrange and pay for testing and necropsy required by CDC.

(7) The Director may grant temporary extensions of returns for animals that are not fit for travel as determined by a CDC veterinarian, but the importer (or carrier in the case of abandonment) must arrange for the return of the animal to its country of departure as soon as CDC notifies the carrier that the animal is fit for travel.

(8) The requirements of this paragraph shall additionally apply to dogs or cats abandoned by the importer prior to the dogs' or cats' admission into the United States. A dog or cat may be deemed

abandoned pursuant to the provisions of paragraph (aa) of this section.

(9) Carriers must provide transportation to/from and holding at a CDC-registered animal care facility or another CDC-approved facility (if a CDC-registered animal care facility is not available) while the animal is pending an admissibility determination, undergoing veterinary evaluation or care, or upon denial of entry. Carriers may require reimbursement from an importer for any costs incurred on behalf of the importer.

(10) Importers must comply with CDC requirements for the return of an animal or for the veterinary assessment of an animal. Refusal to cooperate, including refusal to pay any associated veterinary fees, will result in the animal being considered abandoned by the importer, and custody of the animal will be transferred to the carrier who will assume financial responsibility for costs relating to the denial, evaluation, care, or disposal of the animal.

(11) A carrier may enter into contractual arrangements with an importer or a third party relating to the expenses of returning an animal to its country of departure, for veterinary care, or otherwise disposing of an animal, provided that no government costs are incurred. The return of an animal to its country of departure or the initiation of veterinary care shall not be delayed while the carrier attempts to enter into or negotiate contractual arrangements.

(12) The provisions of this paragraph may be applied to importers of animals and to carriers transporting such animals in circumstances where an animal is denied entry at a land port or seaport of the United States and the animal cannot be immediately returned to its country of departure (e.g., because it is unfit to travel).

(y) *Appeals of CDC denials to admit a dog or a cat upon arrival into the United States.* (1) If CDC denies admission to an animal upon arrival, then the importer may appeal that denial to the Director.

(2) The importer must submit the appeal in writing to the Director, stating the reasons for the appeal and demonstrating that there is a genuine and substantial issue of fact in dispute.

(3) The importer must submit the appeal within one (1) business day of the denial by emailing CDCAnimalImports@cdc.gov.

(4) Submitting an appeal will not delay the return of the animal to the country of departure.

(5) The Director will issue a written response to the appeal, which shall constitute final agency action, unless the Secretary, within one (1) business

day, decides to review the Director's decision.

(z) *Record of death of dogs and cats en route to the United States and disposition of dead animals.* (1) Carriers shall maintain a record of the death of animals occurring while *en route* to the United States and shall submit the record to the CDC quarantine station of jurisdiction for the U.S. port upon arrival.

(2) Animals that become sick or die *en route* or are identified as sick or dead upon arrival shall be separated from other animals (including animals other than dogs or cats) as soon as the sickness or death is discovered and shall be held in confinement pending any necessary examination as determined by the Director. Sick animals shall be examined pursuant to the provisions of paragraph (j) of this section or disposed of pursuant to the provisions of paragraph (x) of this section.

(3) The carrier shall arrange for any animals that die *en route* to the United States or that die while detained pending determination of their admissibility to undergo a necropsy (gross and histopathologic examination are required), and any subsequent infectious disease testing based on gross or histopathology findings or as determined by CDC. The carrier or CDC-registered animal care facility must contact the CDC quarantine station of jurisdiction prior to transporting an animal for necropsy to determine whether rabies testing is required. In the event an importer abandons an animal, the carrier will become the owner and shall assume responsibility for all expenses described in this paragraph.

(4) The carrier shall send copies of the final necropsy report and all test results to the CDC quarantine station of jurisdiction.

(5) Pursuant to paragraphs (p) and (x) of this section, the importer is responsible for costs associated with the necropsy, testing, and disposal of the body. In the event an importer abandons an animal, then pursuant to paragraph (aa) of this section, the carrier will become the owner and shall assume responsibility for all expenses described in this paragraph.

(aa) *Abandoned shipments of dogs and cats.* (1) In the event an importer abandons an animal under this section, the carrier will become the owner and shall assume responsibility for all expenses described in this section.

(2) An animal shipment will be deemed abandoned under the following circumstances:

(i) when explicitly stated by the importer verbally or in writing to the carrier, CDC, or CBP; or

(ii) if the importer fails to cooperate with or respond to the carrier's attempts to comply with the provisions of this section within 24 hours; or

(iii) if the importer refuses payment within 24 hours for CDC-mandated examinations, testing, holding, or treatment needed to ensure the safe importation of dogs and cats into the United States.

(bb) *Sanitation of cages and containers of dogs and cats.* When the Director finds that the cages or other containers of animals arriving in the United States are in an unsanitary or other condition that may constitute a communicable disease risk, the animals shall not be admitted in such containers unless the carrier has the containers cleaned and disinfected or the animals are removed and placed in clean containers in accordance with USDA and, in the case of airlines, the International Air Transport Association shipping requirements. Discarded containers must be cleaned and disinfected or destroyed in accordance with carrier policies. CDC may require documentation of container disinfection or destruction by the carrier.

(cc) *Requirements for in-transit shipments of dogs and cats.* (1) In-transit shipments of live animals are not eligible for release into the United States and may only be transported as cargo and not as hand-carried baggage or checked/excess baggage.

(2) In-transit shipments must be maintained under continuous confinement with USDA APHIS oversight on board a conveyance until export, or off-loaded and maintained under continuous confinement and APHIS oversight at a USDA APHIS-preapproved holding facility with a CBP-issued FIRMS code while awaiting a connecting conveyance, and then loaded and maintained under USDA APHIS oversight on board the connecting conveyance until export.

(3) The provisions of this section shall apply to animals transiting through the United States from one foreign country to another, except as provided below:

(i) Animals that appear healthy but have been exposed to a sick or dead animal (including an animal other than a dog or cat) suspected of having a communicable disease are not required to undergo examination or tests as provided in paragraph (j) of this section if the Director determines that the conditions under which the animals are being transported afford adequate protection against introduction of

communicable disease into the United States.

(ii) The certification of foreign rabies vaccination and microchip form, certification of U.S.-issued rabies vaccination form, certification of dog arriving from DMRVV-free or DMRVV low-risk country form, or CDC dog import form is not required for dogs that are transported by aircraft and are being transited through the United States if retained in the custody of the airline under conditions that would prevent transmission of communicable diseases.

(iii) There is no minimum age requirement for dogs that are transported by aircraft and are being transited through the United States if retained in the custody of the airline under conditions that would prevent transmission of communicable diseases.

(iv) A microchip is not required for dogs that are transported by aircraft and are being transited through the United States if retained in the custody of the airline under conditions that would prevent transmission of communicable diseases.

(dd) *Bill of lading and other airline requirements for dogs.* (1) Airlines are required to create a bill of lading, which includes air waybills (AWB), for all dogs arriving in the United States prior to arrival. This includes dogs transported as cargo, checked-baggage, or hand-carried baggage.

(2) Airlines that lack the technical ability to generate a bill of lading to transport dogs as checked baggage or as hand-carried baggage may request a waiver from CDC by emailing cdcanimalimports@cdc.gov.

(i) The airline's request for a waiver must be accompanied by a written standard operating procedure (SOP) describing how the airline will ensure care, transportation, and housing for any ill, injured, or abandoned animals in the absence of a bill of lading. The SOP must also identify and provide the location of a CDC-registered animal care facility or other suitable alternative approved by CBP and CDC that will provide care and suitable housing for any ill, injured, or abandoned animals prior to any animals being transported to the United States.

(ii) As a condition of granting a waiver, CDC may require the airline to obtain the services of a licensed U.S. customs broker who will be responsible for coordinating on behalf of the airline the entry and clearance of any dogs imported into the United States, including compliance with CDC's requirements relating to the admission of dogs.

(iii) As a condition of granting a waiver, CDC may require the airline to

provide a timetable and identify steps that the airline will take to develop the technical capacity to generate an AWB (or another suitable alternative to an AWB) to transport dogs as cargo, checked-baggage, or hand-carried baggage.

(iv) The Director may revoke a waiver granted to an airline upon notice to the airline and a finding that an airline has acted inconsistent with the terms of the waiver, including any provision of its SOP.

(v) CDC may publish additional technical instructions on its website for airlines seeking a waiver from the bill of lading requirement.

(3) Any dog arriving by air for which a bill of lading, including an AWB, has not been created by the airline prior to the dog's arrival in the United States will be denied admission and returned to the country of departure pursuant to paragraph (v) of this section, unless the airline transporting the dog has been granted a waiver and the airline's handling and transport of the dog are consistent with the terms of that waiver.

(4) Airlines must deny boarding to any dogs for which the importer: has not presented to the airline before boarding a receipt confirming submission of the CDC dog import form; if the dogs are scheduled to arrive at a different U.S. port than the one listed on the receipt of the CDC dog import form; or if the dogs presented for travel do not match the description on the receipt of the CDC dog import form.

(5) For U.S.-vaccinated dogs that have been in a DMRVV high-risk country within the last six months, airlines must deny boarding unless the importer presents prior to boarding a valid certification of U.S.-issued rabies vaccination form or if the dogs presented for travel do not match the description on the certification of U.S.-issued rabies vaccination form.

(6) For foreign-vaccinated dogs that have been in a DMRVV high-risk country within the last six months, airlines must deny boarding unless the importer presents documentation to the airline before boarding of a reservation at a CDC-registered animal care facility and the dog is scheduled to arrive in the United States at the U.S. airport where the CDC-registered animal care facility is located.

(7) For dogs from DMRVV-free or DMRVV low-risk countries, airlines must deny boarding unless the importer before boarding presents documentation as described in paragraphs (g)(2) and (u)(2) demonstrating that the dog is over six months of age, has a microchip, and has been only in DMRVV low-risk or DMRVV-free countries during the last

six months. Airlines must also deny boarding if the dog presented for travel does not match the description on the documents presented by the importer for travel.

(8) A representative of an airline transporting live dogs into the United States must be on-site at the U.S. airport and available to coordinate the entry/clearance of the dogs with Federal government officials until all live dogs transported on an arriving flight into the United States have either been cleared for entry or arrangements have been made to transport the dogs to a CDC-registered animal care facility or other facility (e.g., veterinary clinic or kennel) approved by CDC pending an admissibility determination.

(ee) *Order prohibiting carriers from transporting dogs and cats.* (1) If the Director determines that a carrier has endangered the public health of the United States by acting or failing to act to prevent the introduction of DMRVV, as would occur through failure to comply with any applicable provisions of this section, the Director may issue an order revoking the carrier's permission to transport live animals into the United States, which shall be served on the carrier's owner or operator.

(2) The Director may rescind the order after inspecting the carrier's facilities; examining its records; conferring with the carrier's owners or operators, its contractors, or staff; or receiving information and written assurances from the carrier owner or operator that it has taken remedial steps to ensure future compliance with the requirements of this section.

(3) A carrier owner or operator may appeal a revocation of a carrier's permission to transport live animals into the United States. The appeal shall be in writing, addressed to the Director, state the reasons for the appeal, and demonstrate that there is a genuine and substantial issue of fact in dispute. The appeal must be submitted via email to CDCanimalimports@cdc.gov.

(4) As soon as practicable after completing the written record review, the Director will issue a decision in writing that shall constitute final agency action, unless the Secretary, within one business day, decides to review the Director's decision. The Director will serve the carrier with a copy of the written decision.

(ff) *Prohibition on imports of dogs from DMRVV-restricted countries.* (1) The Director may prohibit or otherwise restrict the import of dogs into the United States from certain countries designated as DMRVV-restricted countries. CDC will maintain a list of DMRVV-restricted countries based on

the countries' prior export of dogs infected with DMRVV to any other countries within a time frame determined by CDC or based on inadequate controls, as determined by CDC, in the countries to monitor and prevent the export of dogs to the United States with falsified or fraudulent rabies vaccine credentials, invalid rabies vaccination certificates, or other fraudulent, inaccurate, or invalid exportation/importation documents.

(2) DMRVV-restricted countries may be subject to additional restrictions, including a complete prohibition on the importation of dogs into the United States from those countries as needed to prevent the reintroduction of DMRVV.

(3) The Director may maintain such additional restrictions or prohibitions in place until the Director is satisfied that the DMRVV-restricted country has established sufficient controls to prevent the reintroduction of DMRVV into the United States, including measures to prevent the use of falsified or fraudulent vaccine credentials or invalid rabies vaccination certificates.

(4) The addition or removal of DMRVV-restricted countries from the list shall be announced through notice in the **Federal Register**, and a list will be maintained on CDC's website.

(5) Notwithstanding the prohibition on imports of dogs from DMRVV-restricted countries, the Director may allow the importation of dogs for scientific purposes, when used as service animals (as defined in 14 CFR 382.3) for individuals with disabilities, or in furtherance of an important government interest. In such instances CDC will issue a CDC dog import permit for the importation of dogs from DMRVV-restricted countries. Instructions for how to apply for a permit will be included in CDC technical instructions.

(gg) *Request for issuance of additional fines or penalties.* (1) CDC may request that CBP, pursuant to 19 U.S.C. 1592 and 19 U.S.C. 1595a, issue additional fines, citations, or penalties to importers, brokers, or carriers when the Director has reason to believe that an importer, broker, or carrier has violated

any of the provisions of this section or otherwise engaged in conduct contrary to law.

(2) CDC may request that the U.S. Department of Justice investigate, and if determined appropriate based on the outcome of such investigation, prosecute any person who the Director has reason to believe may have violated Federal law, including by forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with a U.S. government employee while engaged in or on account of the performance of their official duties in violation of 18 U.S.C. 111, by obstructing an agency proceeding in violation of 18 U.S.C. 1505, or by otherwise engaging in conduct contrary to law.

Dated: April 30, 2024.

Xavier Becerra,

Secretary, Department of Health and Human Services.

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Part VII

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey of the Reykjanes Ridge in the North Atlantic Ocean; Notice

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XD803]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey of the Reykjanes Ridge in the North Atlantic Ocean

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS received a request from the Lamont-Doherty Earth Observatory of Columbia University (L–DEO) for authorization to take marine mammals incidental to a marine geophysical survey at the Reykjanes Ridge in the North Atlantic Ocean. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than June 12, 2024.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.wachtendonk@noaa.gov. 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-research-and-other-activities>. In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment

period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Rachel Wachtendonk, 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.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO)

216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

Accordingly, NMFS plans to adopt the National Science Foundation’s (NSF) Environmental Assessment (EA), as we have preliminarily determined that it includes adequate information analyzing the effects on the human environment of issuing the IHA. While not directly funding the research, NSF would provide funding support for the vessel and environmental compliance support as part of a ship barter agreement with the United Kingdom’s Natural Environmental Research Council (NERC). NSF’s draft EA is available on the project web page at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>.

Summary of Request

On December 27, 2023, NMFS received a request from L–DEO for an IHA to take marine mammals incidental to conducting a marine geophysical survey of the Reykjanes Ridge in the North Atlantic Ocean. NMFS received a final, revised version of L–DEO’s application on February 26, 2024, which was deemed adequate and complete on February 27, 2024. L–DEO’s request is for take, by harassment, of 25 marine mammal species by Level B harassment, and for a subset of 5 of these species, by Level A harassment. Neither L–DEO nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity**Overview**

Researchers from the University of Birmingham, University of Southampton and University of Cambridge, with funding from the NERC, propose to conduct a high-energy seismic survey using airguns as the acoustic source from the research vessel (R/V) *Marcus G. Langseth* (Langseth), which is owned and operated by L–DEO. The proposed survey would occur at the Reykjanes Ridge, off southern Iceland, in the northwestern Atlantic Ocean during summer 2024. The proposed survey would occur within Iceland’s Exclusive Economic Zone (EEZ) and high seas. The survey would occur in water depths ranging from approximately 600 to 3,000 meters (m), with most of the survey effort (~78 percent) occurring in deep water (considered here to be depths greater than 1000 m). To complete this survey, the R/V Langseth would tow a 36-airgun

array with a total discharge volume of ~6,600 cubic inches (in³) at a depth of 10 to 12 m. The airgun array receiving systems for the different survey segments would consist of a 15 kilometer (km) long solid-state hydrophone streamer and approximately 150 deployments using a total of 50 Ocean Bottom Seismometers (OBS). The airguns would fire at a shot interval of 50 m (~24 seconds (s)) during 2-dimensional (2-D) multi-channel seismic (MCS) reflection surveys with the hydrophone streamer and at a 154.4 m (~60 s) interval during OBS seismic refraction surveys. Approximately 2,754 km of total survey trackline are proposed, including 1,662 km of MCS seismic reflection data and 1,092 km of OBS refraction data.

The purpose of the proposed survey is to collect data in support of a research proposal entitled 'IMPULSE: Taking the Pulse of the Icelandic Mantle Plume'. IMPULSE would make the first definite test of the Thermal Plume Pulsing (TPP) model, the shortest predicted time

period of transient mantle convections, which has been suggested as a primary driver of some of the most remarkable perturbations to global climate, ecosystems, and the carbon cycle in Earth's history. The North Atlantic V-shaped Ridges (VSR) are the basis for the TPP model, and the proposed survey would acquire the first ever full crustal seismic profiles across multiple complete VSR cycles.

Additional data would be collected using a multibeam echosounder (MBES), a sub-bottom profiler (SBP), and an Acoustic Doppler Current Profiler (ADCP), which would be operated from R/V Langseth continuously during the seismic surveys, including during transit. No take of marine mammals is expected to result from use of this equipment.

Dates and Duration

The proposed survey is expected to last for approximately 38 days, with 9 days of MCS seismic operations, 5 days of OBS seismic operations, 17 days of OBS deployment and retrieval, 3 days of

streamer deployment and retrieval, and 4 days of transit. R/V Langseth would likely leave from and return to port in Reykjavik, Iceland during summer 2024.

Specific Geographic Region

The proposed survey would occur within approximately 56–63° N, 24–34° W, within Iceland's EEZ and on the high seas, in water depths ranging from approximately 600 to 3,000 m. The closest approach of the proposed survey lines to land off the south coast of Iceland is ~130 km from Eldey and ~145 km from mainland Iceland. The region where the survey is proposed to occur is depicted in figure 1; the tracklines could occur anywhere within the polygon shown in figure 1. Representative survey tracklines are shown; however, some deviation in actual tracklines, including the order of survey operations, could be necessary for reasons such as science drivers, poor data quality, inclement weather, or mechanical issues with the research vessel and/or equipment.

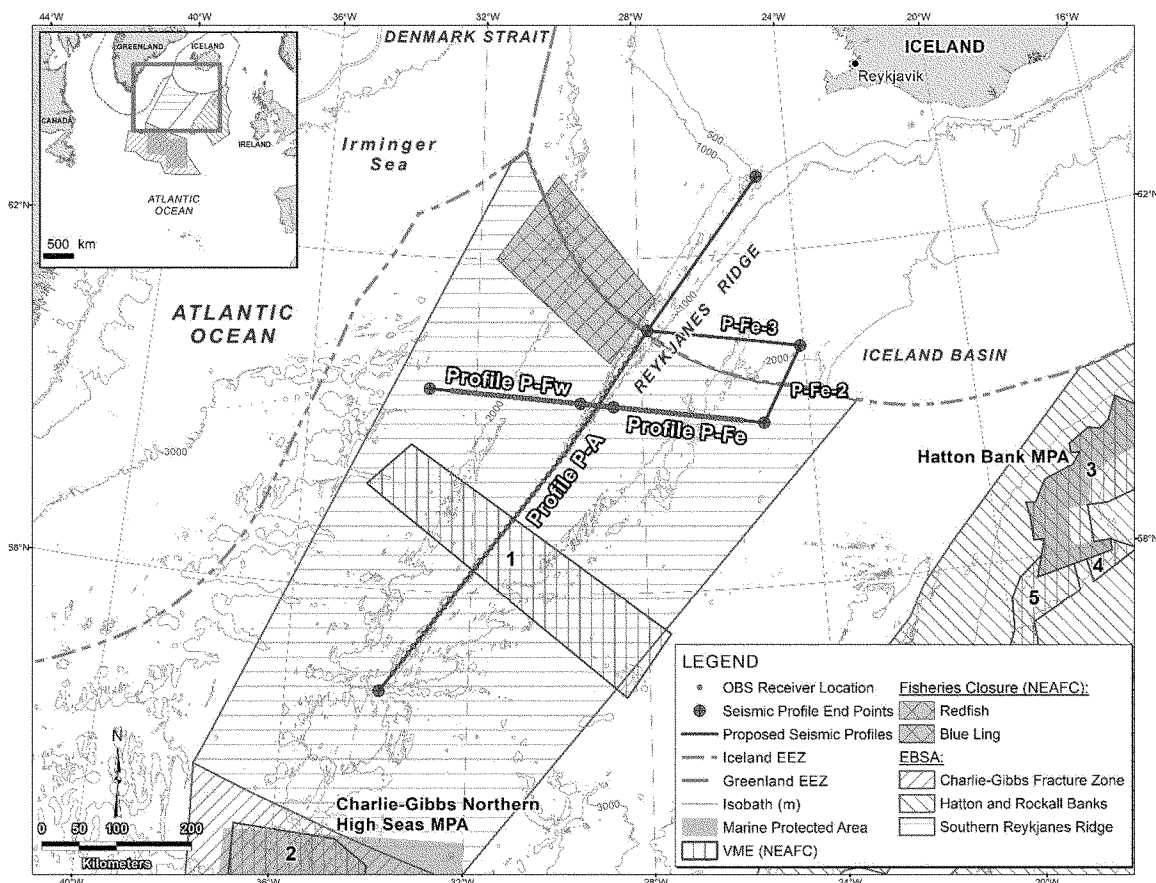


Figure 1. Location of the Proposed Reykjanes Ridge Seismic Surveys in the Northwest Atlantic Ocean

Representative survey tracklines are included in the figure; however, the tracklines could occur anywhere within the survey area. Numbered sites correspond to the following Vulnerable Marine Ecosystems (VMEs): (1) Northern Mid-Atlantic Ridge, (2) Mid Mid-Atlantic Ridge, (3) Hatton Bank, (4) Hatton Bank Area 1, and (5) Hatton Bank Area 2. EBSA; Ecologically or Biologically Significant Marine Areas. MPA; Marine Protected Area. NEAFC; North East Atlantic Fisheries.

Detailed Description of the Specified Activity

The procedures to be used for the proposed surveys would be similar to those used during previous seismic surveys by L-DEO and would use conventional seismic methodology. The survey would involve one source vessel, R/V Langseth, which is owned and operated by L-DEO. During the high-energy MCS seismic reflection and OBS seismic refraction surveys, R/V Langseth would tow 4 strings with 36 airguns, consisting of a mixture of Bolt 1500LL and Bolt 1900LLX. During the survey, all 4 strings, totaling 36 active airguns with a total discharge volume of 6,600 in³, would be used. The four airgun strings would be spaced 16 m apart, distributed across an area of approximately 24 m x 16 m behind the R/V Langseth, and would be towed approximately 140 m behind the vessel.

The airgun array configurations are illustrated in figure 2–11 of NSF and the U.S. Geological Survey's (USGS) Programmatic Environmental Impact Statement (PEIS; NSF-USGS, 2011). (The PEIS is available online at: https://www.nsf.gov/geo/oce/envcomp/usgs-nsf-marine-seismic-research/nsf-usgs-final-eis-oeis_3june2011.pdf). The receiving system would consist of a 15-km long solid-state hydrophone streamer and 50 OBSs. As the airgun arrays are towed along the survey lines, the hydrophone streamer would transfer the data to the on-board processing system for the MCS survey, and the OBSs would receive and store the returning acoustic signals internally for later analysis.

Approximately 2,754 km of seismic acquisition are proposed (1,662 km of 2-D MCS seismic reflection data and 1,092 km of OBS refraction data). The

survey would take place in water depths ranging from 600 to 3,000 m, with most of the effort (~78 percent) taking place in deep water (≤ 1000 m) and the remainder taking place in intermediate water depths (100–1000 m); no effort would occur in shallow water (< 100 m deep). OBS refraction data will be acquired along both profiles (figure 1). Up to 50 OBSs would be deployed at a time, then recovered, serviced, and redeployed on a subsequent profiles. In addition to the operations of the airgun array, the ocean floor would be mapped with the Kongsberg EM 122 MBES and a Knudsen Chirp 3260 SBP. A Teledyne RDI 75 kilohertz (kHz) Ocean Surveyor ADCP would be used to measure water current velocities, and acoustic pingers would be used to retrieve OBSs. Take of marine mammals is not expected to occur incidental to use of the MBES, SBP, and ADCP, whether or not the

airguns are operating simultaneously with the other sources. Given their characteristics (e.g., narrow downward-directed beam), marine mammals would experience no more than one or two brief ping exposures, if any exposure were to occur. NMFS does not expect that the use of these sources presents any reasonable potential to cause take of marine mammals.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this Notice (please see Proposed Mitigation and Proposed Monitoring and Reporting).

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 about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>). NMFS refers the reader to the aforementioned source for general information regarding the species listed in table 1.

The populations of marine mammals found in the survey area do not occur within the U.S. EEZ and therefore, are not assessed in NMFS' Stock Assessment Reports (SARs). For most species, there are no stocks defined for management purposes in the survey area, and NMFS is evaluating impacts at the species level and ranges for most species evaluated here are considered to be the North Atlantic. As such, information on potential biological removal level (PBR; 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) and annual levels of serious injury and mortality from anthropogenic sources are not available for these marine mammal populations. Abundance estimates for marine mammals in the survey location are lacking; therefore, the modeled abundances presented here are based on a variety of proxy sources, including the U.S. Navy Atlantic Fleet Training and Testing Area Marine Mammal Density (AFTT) model (Roberts et al., 2023) and the North Atlantic Marine Mammal Commission (NAMMCO; NAMMCO 2023). The modeled abundance is considered the best scientific information available on the abundance of marine mammal populations in the area.

Table 1 lists all species that occur in the survey area that may be taken as a result of the proposed survey and summarizes information related to the population, including regulatory status under the MMPA and Endangered Species Act (ESA).

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; Strategic (Y/N) ¹	Modeled abundance ²
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)				
<i>Family Balaenopteridae (rorquals):</i>				
Blue Whale	<i>Balaenoptera musculus</i>	NA	E, D, Y	191
Fin Whale	<i>Balaenoptera physalus</i>	NA	E, D, Y	11,672
Humpback Whale	<i>Megaptera novaeangliae</i>	NA	-, -, N ³	4,990
Minke Whale	<i>Balaenoptera acutorostrata</i>	NA	-, -, N	13,784
Sei Whale	<i>Balaenoptera borealis</i>	NA	E, D, Y	19,530
Odontoceti (toothed whales, dolphins, and porpoises)				
<i>Family Physeteridae:</i>				
Sperm Whale	<i>Physeter macrocephalus</i>	NA	E, D, Y	64,015
<i>Family Ziphiidae (beaked whales):</i>				
Blainville's Beaked Whale	<i>Mesoplodon densirostris</i>	NA	-, -, N	⁴ 65,069
Cuvier's Beaked Whale	<i>Ziphius cavirostris</i>	NA	-, -, N	⁴ 65,069
Northern Bottlenose Whale	<i>Hyperoodon ampullatus</i>	NA	-, -, N	1,056
Sowerby's Beaked Whale	<i>Mesoplodon bidens</i>	NA	-, -, N	⁵ 65,069
<i>Family Delphinidae:</i>				
Killer Whale	<i>Orcinus orca</i>	NA	-, -, N	972
Long-Finned Pilot Whale	<i>Globicephala melas</i>	NA	-, -, N	⁶ 264,907
Atlantic White-Sided Dolphin	<i>Lagenorhynchus acutus</i>	NA	-, -, N	175,299
Bottlenose Dolphin	<i>Tursiops truncatus</i>	NA	-, -, N	418,151
Risso's Dolphin	<i>Grampus griseus</i>	NA	-, -, N	78,205
Common Dolphin	<i>Delphinus delphis</i>	NA	-, -, N	473,260
Striped Dolphin	<i>Stenella coeruleoalba</i>	NA	-, -, N	412,729
White-Beaked Dolphin	<i>Lagenorhynchus albirostris</i>	NA	-, -, N	2,627
<i>Family Phocoenidae (porpoises):</i>				
Harbor Porpoise	<i>Phocoena phocoena</i>	NA	-, -, N	94,583
Order Carnivora—Pinnipedia				
<i>Family Phocidae (earless seals):</i>				
Bearded Seal	<i>Erignathus barbatus barbatus</i>	NA	-, -, N ⁷	NA
Gray Seal	<i>Halichoerus grypus</i>	NA	-, -, N	NA
Harbor Seal	<i>Phoca vitulina</i>	NA	-, -, N	NA
Harp Seal	<i>Pagophilus groenlandicus</i>	NA	-, -, N	NA

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/MMPA status; Strategic (Y/N) ¹	Modeled abundance ²
Hooded Seal	<i>Cystophora cristata</i>	NA	- , N	NA

¹ ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

² Modeled abundance value from U.S Navy Atlantic Fleet Training and Testing Area Marine Mammal Density (AFTT) (Roberts *et al.*, 2023).

³ Two humpback whale distinct population segments (DPSs) could occur in the proposed survey area: the West Indies DPS, which is not listed under the ESA; and the Cape Verde Islands/Northwest Africa DPS, which is listed as endangered under the ESA.

⁴ Beaked whale guild.

⁵ 2017 estimate for the U.K., Iceland, and Faroe Islands (NAMMCO 2023).

⁶ Pilot whale guild.

⁷ There are two concurrently recognized subspecies of the bearded seal. Only the Pacific subspecies is listed under the ESA and MMPA.

All 25 species in table 1 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. All species that could potentially occur in the proposed survey area are listed in section 3 of the application; however, 3 species are omitted from further analysis as they have been infrequently sighted in the survey area or their temporal and/or spatial occurrence is such that take is not expected to occur. They are not discussed further beyond the explanation provided here. In addition to what is included in sections 3 and 4 of the application, and NMFS’ website, further detail informing the baseline for select species of particular or unique vulnerability (*i.e.*, information regarding current Unusual Mortality Events (UME); ESA listed species) is provided below.

Blue Whale

The blue whale has a cosmopolitan distribution and tends to be pelagic, only coming nearshore to feed and possibly to breed (Jefferson *et al.* 2015). The distribution of the species, at least during times of the year when feeding is a major activity, occurs in areas that provide large seasonal concentrations of euphausiids (Yochem and Leatherwood 1985). Blue whales are most often found in cool, productive waters where upwelling occurs (Reilly and Thayer 1990). Generally, blue whales are seasonal migrants between high latitudes in summer, where they feed, and low latitudes in winter, where they mate and give birth (Lockyer and Brown 1981). Their summer range in the North Atlantic extends from Davis Strait, Denmark Strait, and the waters north of Svalbard and the Barents Sea, south to the Gulf of St. Lawrence and the Bay of Biscay (Rice 1998). Although the winter range is mostly unknown, some occur near Cape Verde at that time of year

(Rice 1998). Blue whales are listed as endangered under the ESA.

Numerous blue whale sightings have been made in the waters around Iceland, including several sightings within the proposed survey area (Sigurnjónsson and Víkingsson 1997; Sigurnjónsson *et al.* 1989; Víkingsson *et al.* 2002; Gunnlaugsson *et al.* 2004; Pike *et al.* 2019a). A blue whale was tracked traveling through the survey area off southern Iceland after being tagged in the Azores (Silva *et al.* 2013). Blue whales were seen during a survey along the Mid-Atlantic Ridge between 40° and 40° N during summer 2004 (Waring *et al.* 2008). Blue whale sightings have also been made during summer aerial surveys off western Iceland, north of the proposed survey area (Pike *et al.* 2005, 2009a). Whaling ships also made catches of blue whales between June and September off southwest Iceland, north of the proposed survey area (Sigurnjónsson and Gunnlaugsson 1990). In the OBIS database, there is one blue whale record for the proposed survey area that was made during the summer (OBIS 2023). There are an additional three records north of the proposed survey area for summer (OBIS 2023).

Fin Whale

The fin whale is widely distributed in all the World’s oceans (Gambell 1985), although it is most abundant in temperate and cold waters (Aguilar and García-Vernet 2018). Nonetheless, its overall range and distribution are not well known (Jefferson *et al.* 2015). Fin whales most commonly occur offshore but can also be found in coastal areas (Jefferson *et al.* 2015). Most populations migrate seasonally between temperate waters where mating and calving occur in winter, and polar waters where feeding occurs in summer (Aguilar and García-Vernet 2018). Fin whales are

listed as endangered under the ESA and depleted under the MMPA.

In the North Atlantic, fin whales are found in summer from Baffin Bay, Spitsbergen, and the Barents Sea, south to North Carolina and the coast of Portugal (Rice 1998). In winter, they have been sighted from Newfoundland to the Gulf of Mexico and the Caribbean, and from the Faroes and Norway south to the Canary Islands (Rice 1998). Based on geographic differences in fin whale calls, Delarue *et al.* (2014) suggested that there are four distinct stocks in the Northwest Atlantic, including a central North Atlantic stock that extends south along the Mid-Atlantic Ridge. The four feeding stocks in the Northwest Atlantic currently recognized by the North Atlantic Marine Mammal Commission (NAMMCO 2023) are located off West Iceland (in the Central Atlantic), Eastern Greenland, Western Greenland, and Eastern Canada; there are an additional three stocks in the eastern Atlantic.

In the western North Atlantic, higher densities are typically found north of 35N especially during spring and summer, with lower densities south of 35N (Edwards *et al.* 2015). Edwards *et al.* (2015) reported fin whale sightings in the survey area and the waters around Iceland during June to August. A fin whale was tracked traveling through the survey area off southern Iceland after being tagged in the Azores; it did not appear to be foraging while migrating northward (Silva *et al.* 2013). Possible fin whale sightings were made near 60N and 27W during the summer 2023 Reykjanes Mantle Convection and Climate IODP Expedition 395 (B. Stockmaster, IODP, pers. comm., 4 December 2023). Waring *et al.* (2008) reported fin whale sightings south of the proposed survey area during a survey of the Mid-Atlantic Ridge during summer 2004. Additional sightings have been made during the summer in the waters around Iceland, including within the

survey area (Sigurnjónsson *et al.* 1985, 1989, 1991; Víkingsson *et al.* 2002, 2009b, 2015; Pike *et al.* 2004, 2005, 2008b, 2019a; NAMMCO 2023). Summer aerial surveys have documented sightings off western Iceland, north of the proposed survey area (Pike *et al.* 2005, 2008a, 2009a, 2019b; Gunnlaugsson *et al.* 2012; Víkingsson *et al.* 2015). Whaling catches were also reported off western Iceland, north of the proposed survey area, during June to September (Sigurnjónsson and Gunnlaugsson 1990; Víkingsson *et al.* 2015). In the OBIS database, there are several thousand whaling records for the waters around Iceland, with several records located within the proposed survey area (OBIS 2023).

Humpback Whale

In the western North Atlantic, the humpback whale occurs from Greenland to Venezuela (Würsig *et al.* 2000). Humpback whales were previously listed as endangered under the ESA at the species level. NMFS re-evaluated the status of the species in 2015, and on September 8, 2016, NMFS divided the species into 14 distinct population segments (DPS), removed the current species-level listing, and listed 4 DPSs as endangered and 1 DPS as threatened (81 FR 62259, September 8, 2016). The remaining nine DPSs were not listed. Two DPSs could occur in the proposed survey area: the West Indies DPS, which is not listed under the ESA; and the Cape Verde Islands/Northwest Africa DPS, which is listed as endangered under the ESA.

For most North Atlantic humpbacks, the summer feeding grounds range from the northeast coast of the U.S. to the Barents Sea (Katona and Beard 1990; Smith *et al.* 1999). In the winter, the majority of humpback whales migrate to wintering areas in the West Indies (Smith *et al.* 1999; Bettridge *et al.* 2015). Some individuals from the North Atlantic migrate to Cape Verde to breed (*e.g.*, Wenzel *et al.* 2009); however, a small proportion of the Atlantic humpback whale population remains in high latitudes in the eastern North Atlantic during winter (*e.g.*, Christensen *et al.* 1992).

Several humpback sightings have been recorded during summer in the proposed survey area, but most records are north of the survey area (Sigurnjónsson *et al.* 1985, 1989, 1991; Pike *et al.* 2002, 2005, 2010a, 2019a; Víkingsson *et al.* 2002; Gunnlaugsson *et al.* 2004; Paxton *et al.* 2009; Smith and Pike 2009; Vigness-Raposa *et al.* 2010; NAMMCO 2023). From 1987–1995, 32 sightings were recorded for Icelandic

and adjacent waters north of 60° during summer (Sigurnjónsson and Víkingsson 1997). Aerial surveys off western Iceland documented additional sightings north of the proposed survey area (Pike *et al.* 2005, 2008a, 2009a, 2010a, 2019b; Paxton *et al.* 2009; Gunnlaugsson *et al.* 2012). There are also whaling records for the summer off southwestern Iceland, north of the proposed survey area (Sigurnjónsson and Gunnlaugsson 1990). Waring *et al.* (2008) recorded humpback whales during a summer survey along the Mid-Atlantic Ridge south of the proposed survey area at ~53° N and 40° W, and Hansen *et al.* (2018) reported sightings off southeast Greenland from August to September. In the Ocean Biodiversity Information System (OBIS) database, there are numerous records of humpback whales in the waters around Iceland for June to October; however, there are no records in the OBIS database within the proposed survey area (OBIS 2023).

Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine to Florida. The event was declared a UME in April 2017 and includes strandings starting in 2016. Partial or full necropsy examinations have been conducted on approximately half of the 220 known cases as of April 15, 2024. Of the whales examined (approximately 90), about 40 percent had evidence of human interaction, either ship strike or entanglement. While a portion of the whales have shown evidence of pre-mortem vessel strike, this finding is not consistent across all whales examined and more research is needed. NMFS is consulting with researchers that are conducting studies on the humpback whale populations, and these efforts may provide information on changes in whale distribution and habitat use that could provide additional insight into how these vessel interactions occurred. More information is available at: <https://www.fisheries.noaa.gov/national/marine-life-distress/2016-2024-humpback-whale-unusual-mortality-event-along-atlantic-coast>.

Minke Whale

In the Northern Hemisphere, minke whales are usually seen in coastal areas but may also be seen in pelagic waters during their northward migration in spring and summer and southward migration in fall (Stewart and Leatherwood, 1985). Minke whales in the Atlantic have a strong seasonal component to their distribution, with acoustic detections indicating that they migrate south in mid-October to early

November and return from wintering grounds starting in March through early April (Hayes *et al.*, 2020). Northward migration appears to track the warmer waters of the Gulf Stream along the continental shelf while southward migration is made farther offshore (Risch *et al.* 2014). Minke whales migrate north of 30° N from March–April and migrate south from Iceland from late September through October (Risch *et al.* 2014; Víkingsson and Heide-Jørgensen 2015).

Víkingsson and Heide-Jørgensen (2015) reported on a satellite-tagged minke whale that traveled through the proposed survey area during late summer 2004. Sightings within the survey area were also recorded during June and July of 2015 (Pike *et al.* 2019a). Waring *et al.* (2008) recorded a minke whale during a summer survey along the Mid-Atlantic Ridge south of the proposed survey area at ~53° N, 40° W, and a sighting was made just north of the proposed survey area during July 2012 (Ryan *et al.* 2013). Although several minke whale sightings have been made in the survey area, most sightings have been reported to the north (Sigurnjónsson *et al.* 1985, 1989, 1991; Víkingsson *et al.* 2002; Gunnlaugsson 1991; Pike *et al.* 2009b, 2010b; NAMMCO 2023). Aerial surveys off western Iceland, north of the proposed survey area, reported minke whale sightings during the summer from 1986 to 2016 (Pike *et al.* 2008a, 2009a, 2019b; Gunnlaugsson *et al.* 2012). There are also whaling records off southwestern Iceland during summer, north of the proposed survey area, from 1979 to 1988 (Sigurnjónsson and Gunnlaugsson 1990). Sightings have also been reported off southeast Greenland from August to September (Hansen *et al.* 2018). In the OBIS database, there are numerous records of minke whales in the waters around Iceland during June–November; one sighting was made during June 2006 at 53.3° N, 40.9° W, but there are no records within the proposed survey area (OBIS 2023).

Since January 2017, a UME has been declared based on elevated minke whale mortalities detected along the U.S. Atlantic coast from Maine through South Carolina, with a total of 166 known strandings as of April 17, 2024. Full or partial necropsy examinations were conducted on more than 60 percent of the whales. Preliminary findings in several of the whales have shown evidence of human interactions or infectious disease, but these findings are not consistent across all of the whales examined, so more research is needed. More information is available

at: <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2024-minke-whale-unusual-mortality-event-along-atlantic-coast>.

Both the humpback whale and minke whale UME's are of populations of whales found on the Atlantic Coast and may not be the same populations found near the survey area.

Sei Whale

Sei whales are found in all ocean basins (Horwood 2018) but appear to prefer mid-latitude temperate waters (Jefferson *et al.* 2015). Habitat suitability models indicate that sei whale distribution is related to cool water with high chlorophyll levels (Palka *et al.*, 2017; Chavez-Rosales *et al.* 2019). They occur in deeper waters characteristic of the continental shelf edge region (Hain *et al.* 1985) and in other regions of steep bathymetric relief such as seamounts and canyons (Kenney and Winn 1987; Gregor and Trites 2001). Sei whales are listed as endangered under the ESA and designated as depleted under the MMPA.

In the North Atlantic, there are three sei whale populations: Nova Scotia, Iceland-Denmark Strait, and Eastern (Donovan 1991). They undertake seasonal migrations to feed in subpolar latitudes during summer and return to lower latitudes during winter to calve (Gambell 1985; Horwood 2018). A small number of individuals have been sighted in the eastern North Atlantic between October and December, indicating that some animals may remain at higher latitudes during winter (Evans 1992).

Sei whales were the most commonly sighted species during a summer survey along the Mid-Atlantic Ridge from Iceland to north of the Azores, including sightings within the proposed survey area; the greatest number of sightings occurred at the Charlie Gibb Fracture Zone, at ~52° N (Waring *et al.* 2008). Sei whales were also sighted within the survey area at ~60° N during July 2012 (Ryan *et al.* 2013). Numerous sightings have been reported in the waters around Iceland during summer shipboard surveys, but few have been made in the proposed survey area (Sigurnjónsson *et al.* 1985, 1989, 1991; Víkingsson *et al.* 2002, 2009a; Gunnlaugsson *et al.* 2004; Pike *et al.* 2019a). Summer aerial surveys documented sightings during 1986–2016 off western Iceland, north of the proposed survey area (Pike *et al.*

2009a, 2019b). There have also been reported catches of sei whale off western Iceland, north of the survey area, during summer (Sigurnjónsson and Gunnlaugsson 1990; Víkingsson *et al.* 2015; OBIS 2023). In the OBIS database, there are numerous whaling records for the waters around Iceland, especially during July; several records are located within the proposed survey area (OBIS 2023).

Sperm Whale

The sperm whale is widely distributed, occurring from the edge of the polar pack ice to the Equator in both hemispheres, with the sexes occupying different distributions (Whitehead 2018). Their distribution and relative abundance can vary in response to prey availability, most notably squid (Jaquet and Gendron 2002). Females generally inhabit waters >1,000 m deep at latitudes <40° where sea surface temperatures are <15° C; adult males move to higher latitudes as they grow older and larger in size, returning to warm-water breeding grounds (Whitehead 2018). Sperm whales are listed as endangered under the ESA and designated as depleted under the MMPA.

Sperm whales were the second most commonly sighted cetacean species during a summer survey along the Mid-Atlantic Ridge during summer 2004, with most sightings occurring north of ~52° N; sightings were made in the proposed survey area (Waring *et al.* 2008). NAMMCO (2023) has also reported sightings of sperm whales within the survey area. Numerous shipboard surveys during summer have reported sightings of sperm whales in the waters around Iceland, including the proposed survey area (Sigurnjónsson *et al.* 1985, 1989, 1991; Víkingsson *et al.* 2002; Gunnlaugsson *et al.* 2004, 2009; Pike *et al.* 2019a). Aerial surveys have documented sperm whale sightings during the summer off western Iceland, north of the proposed survey area (Pike *et al.* 2009a, 2019b). Whaling ships reported sperm whales off southwest Iceland, north of the survey area, during summer (Sigurnjónsson and Gunnlaugsson 1990). There are several thousand records of sperm whales in the OBIS database for the waters around Iceland; most of these are whaling records that occurred between May to December, including several within the proposed survey area (OBIS 2023).

Bearded Seal

Bearded seals are associated with sea ice and have a circumpolar distribution (Burns 1981). There are two currently recognized subspecies of the bearded seal; *E. b. barbatus*, which inhabits the Atlantic and *E. b. nauticus*, which inhabits the Pacific. The Atlantic bearded seals are known to occur along the north coast of Iceland (Reeves *et al.* 1992) but not the southern coast. During the open-water period, bearded seals occur mainly in relatively shallow areas, because they are predominantly benthic feeders (Burns 1981). Sightings have been recorded off southeastern Greenland (Merkel *et al.* 2010; Boertmann and Rosing-Asvid 2014), but there are no records for the proposed survey area in the OBIS database (OBIS 2023).

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 decibel (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).

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

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Description of Active Acoustic Sound Sources

This section contains a brief technical background on sound, the characteristics of certain sound types, and on metrics used in this proposal inasmuch as the information is relevant to the specified activity and to a discussion of the potential effects of the specified activity on marine mammals found later in this document.

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz (Hz) or cycles per second. Wavelength is the distance between two peaks or corresponding points of a sound wave (length of one cycle). Higher frequency sounds have shorter wavelengths than lower frequency sounds, and typically attenuate (decrease) more rapidly,

except in certain cases in shallower water. Amplitude is the height of the sound pressure wave or the “loudness” of a sound and is typically described using the relative unit of the dB. A sound pressure level (SPL) in dB is described as the ratio between a measured pressure and a reference pressure (for underwater sound, this is 1 micropascal (μPa)) and is a logarithmic unit that accounts for large variations in amplitude; therefore, a relatively small change in dB corresponds to large changes in sound pressure. The source level (SL) represents the SPL referenced at a distance of 1 m from the source (referenced to 1 μPa) while the received level is the SPL at the listener's position (referenced to 1 μPa).

Root mean square (RMS) is the quadratic mean sound pressure over the duration of an impulse. Root mean square is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urlick, 1983). Root mean square accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

Sound exposure level (SEL; represented as dB re 1 $\mu\text{Pa}^2 \cdot \text{s}$) represents the total energy contained within a pulse and considers both intensity and duration of exposure. Peak sound pressure (also referred to as zero-to-peak sound pressure or 0-p) is the maximum instantaneous sound pressure measurable in the water at a specified distance from the source and is represented in the same units as the RMS sound pressure. Another common metric is peak-to-peak sound pressure (pk-pk), which is the algebraic

difference between the peak positive and peak negative sound pressures. Peak-to-peak pressure is typically approximately 6 dB higher than peak pressure (Southall *et al.*, 2007).

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in a manner similar to ripples on the surface of a pond and may be either directed in a beam or beams or may radiate in all directions (omnidirectional sources), as is the case for pulses produced by the airgun array considered here. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or point (Richardson *et al.*, 1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.*, wind and waves, earthquakes, ice, atmospheric sound), biological (*e.g.*, sounds produced by marine mammals, fish, and invertebrates), and anthropogenic (*e.g.*, vessels, dredging, construction) sound. A number of sources contribute to ambient sound, including the following (Richardson *et al.*, 1995):

Wind and waves: The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient sound for frequencies between 200 Hz and 50 kHz (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Surf sound becomes

important near shore, with measurements collected at a distance of 8.5 km from shore showing an increase of 10 dB in the 100 to 700 Hz band during heavy surf conditions;

Precipitation: Sound from rain and hail impacting the water surface can become an important component of total sound at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times;

Biological: Marine mammals can contribute significantly to ambient sound levels, as can some fish and snapping shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz; and

Anthropogenic: Sources of anthropogenic sound related to human activity include transportation (surface vessels), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Vessel noise typically dominates the total ambient sound for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly. Sound from identifiable anthropogenic sources other than the activity of interest (e.g., a passing vessel) is sometimes termed background sound, as opposed to ambient sound.

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise “ambient” or “background” sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and human activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of this dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.*, 1995). The result is that, depending on the source type and its intensity, sound from a given activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals. Details of source types are described in the following text.

Sounds are often considered to fall into one of two general types: Pulsed and non-pulsed. The distinction between these two sound types is

important because they have differing potential to cause physical effects, particularly with regard to hearing (e.g., NMFS, 2018; Ward, 1997 in Southall *et al.*, 2007). Please see Southall *et al.* (2007) for an in-depth discussion of these concepts.

Pulsed sound sources (e.g., airguns, explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI, 1986, 2005; Harris, 1998; NIOSH, 1998; ISO, 2003) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (e.g., rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems (such as those used by the U.S. Navy). The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

Airgun arrays produce pulsed signals with energy in a frequency range from about 10–2,000 Hz, with most energy radiated at frequencies below 200 Hz. The amplitude of the acoustic wave emitted from the source is equal in all directions (*i.e.*, omnidirectional), but airgun arrays do possess some directionality due to different phase delays between guns in different directions. Airgun arrays are typically tuned to maximize functionality for data acquisition purposes, meaning that sound transmitted in horizontal directions and at higher frequencies is minimized to the extent possible.

Acoustic Effects

Here, we discuss the effects of active acoustic sources on marine mammals.

Potential Effects of Underwater Sound¹—Anthropogenic sounds cover a

broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can potentially result in one or more of the following: Temporary or permanent hearing impairment; non-auditory physical or physiological effects; behavioral disturbance; stress; and masking (Richardson *et al.*, 1995; Gordon *et al.*, 2004; Nowacek *et al.*, 2007; Southall *et al.*, 2007; Götz *et al.*, 2009). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high level sounds can cause hearing loss, as can longer exposures to lower level sounds. Temporary or permanent loss of hearing, if it occurs at all, will occur almost exclusively in cases where a noise is within an animal's hearing frequency range. We first describe specific manifestations of acoustic effects before providing discussion specific to the use of airgun arrays.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur, in relation to distance from a source and assuming that the signal is within an animal's hearing range. First is the area within which the acoustic signal would be audible (potentially perceived) to the animal, but not strong enough to elicit any overt behavioral or physiological response. The next zone corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological response. Third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking (*i.e.*, when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

We describe the more severe effects of certain non-auditory physical or physiological effects only briefly as we do not expect that use of airgun arrays are reasonably likely to result in such effects (see below for further discussion). Potential effects from

¹ Please refer to the information given previously (“Description of Active Acoustic Sound Sources”)

regarding sound, characteristics of sound types, and metrics used in this document.

impulsive sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.*, 1973). Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.*, change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.*, 2006; Southall *et al.*, 2007; Zimmer and Tyack, 2007; Tal *et al.*, 2015). The survey activities considered here do not involve the use of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

Threshold Shift—Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Finneran, 2015). Threshold shift can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.*, 2007). Repeated sound exposure that leads to TTS could cause PTS. In severe cases of PTS, there can be total or partial deafness, while in most cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter, 1985).

When PTS occurs, there is physical damage to the sound receptors in the ear (*i.e.*, tissue damage), whereas TTS represents primarily tissue fatigue and is reversible (Southall *et al.*, 2007). In addition, other investigators have suggested that TTS is within the normal bounds of physiological variability and tolerance and does not represent physical injury (*e.g.*, Ward, 1997). Therefore, NMFS does not typically consider TTS to constitute auditory injury.

Relationships between TTS and PTS thresholds have not been studied in marine mammals. There is no PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several dBs above (a 40-dB threshold shift approximates PTS onset; *e.g.*, Kryter *et al.*, 1966; Miller, 1974) that inducing mild TTS (a 6-dB threshold shift approximates TTS onset; *e.g.*, Southall *et al.* 2007). Based on data from terrestrial mammals, a

precautionary assumption is that the PTS thresholds for impulsive sounds (such as airgun pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.*, 2007). Given the higher level of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 1985). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. Few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals.

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.*, recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts.

Finneran *et al.* (2015) measured hearing thresholds in 3 captive bottlenose dolphins before and after exposure to 10 pulses produced by a seismic airgun in order to study TTS induced after exposure to multiple pulses. Exposures began at relatively low levels and gradually increased over a period of several months, with the highest exposures at peak SPLs from 196 to 210 dB and cumulative (unweighted) SELs from 193–195 dB. No substantial TTS was observed. In addition, behavioral reactions were observed that indicated that animals can learn behaviors that effectively mitigate noise exposures (although exposure patterns must be learned, which is less

likely in wild animals than for the captive animals considered in this study). The authors note that the failure to induce more significant auditory effects was likely due to the intermittent nature of exposure, the relatively low peak pressure produced by the acoustic source, and the low-frequency energy in airgun pulses as compared with the frequency range of best sensitivity for dolphins and other mid-frequency cetaceans.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin, beluga whale (*Delphinapterus leucas*), harbor porpoise (*Phocoena phocoena*), and Yangtze finless porpoise (*Neophocaena asiaeorientalis*)) exposed to a limited number of sound sources (*i.e.*, mostly tones and octave-band noise) in laboratory settings (Finneran, 2015). In general, harbor porpoises have a lower TTS onset than other measured cetacean species (Finneran, 2015). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There is no direct data available on noise-induced hearing loss for mysticetes.

Critical questions remain regarding the rate of TTS growth and recovery after exposure to intermittent noise and the effects of single and multiple pulses. Data at present are also insufficient to construct generalized models for recovery and determine the time necessary to treat subsequent exposures as independent events. More information is needed on the relationship between auditory evoked potential and behavioral measures of TTS for various stimuli. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007, 2019), Finneran and Jenkins (2012), Finneran (2015), and NMFS (2018).

Behavioral Effects—Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.*, minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific, and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.*, species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.*, Richardson *et al.*, 1995; Wartzok *et al.*, 2003; Southall *et al.*, 2007, 2019;

Weilgart, 2007; Archer *et al.*, 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.*, 2012), and can vary depending on characteristics associated with the sound source (e.g., whether it is moving or stationary, number of sources, distance from the source). Please see appendices B–C of Southall *et al.*, (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.*, 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a “progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,” rather than as, more generally, moderation in response to human disturbance (Bejder *et al.*, 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.*, 1995; NRC, 2003; Wartzok *et al.*, 2003). Controlled experiments with captive marine mammals have showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.*, 1997). Observed responses of wild marine mammals to loud pulsed sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.*, 1995; Nowacek *et al.*, 2007). However, many delphinids approach acoustic source vessels with no apparent discomfort or obvious behavioral change (e.g., Barkaszi *et al.*, 2012).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the

impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (e.g., Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely, and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (e.g., Frankel and Clark, 2000; Ng and Leung, 2003; Nowacek *et al.*, 2004; Goldbogen *et al.*, 2013a, b). Variations in dive behavior may reflect disruptions in biologically significant activities (e.g., foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (e.g., bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (e.g., Croll *et al.*, 2001; Nowacek *et al.*, 2004; Madsen *et al.*, 2006; Yazvenko *et al.*, 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Visual tracking, passive acoustic monitoring (PAM), and movement recording tags were used to quantify sperm whale behavior prior to, during, and following exposure to airgun arrays at received levels in the range 140–160 dB at distances of 7–13 km, following a phase-in of sound intensity and full array exposures at 1–13 km (Madsen *et al.*, 2006; Miller *et al.*, 2009). Sperm whales did not exhibit horizontal

avoidance behavior at the surface. However, foraging behavior may have been affected. The sperm whales exhibited 19 percent less vocal, or buzz, rate during full exposure relative to post exposure, and the whale that was approached most closely had an extended resting period and did not resume foraging until the airguns had ceased firing. The remaining whales continued to execute foraging dives throughout exposure; however, swimming movements during foraging dives were 6 percent lower during exposure than control periods (Miller *et al.*, 2009). These data raise concerns that seismic surveys may impact foraging behavior in sperm whales, although more data are required to understand whether the differences were due to exposure or natural variation in sperm whale behavior (Miller *et al.*, 2009).

Variations in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (e.g., Kastelein *et al.*, 2001, 2005, 2006; Gailey *et al.*, 2007, 2016).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs or amplitude of calls (Miller *et al.*, 2000; Fristrup *et al.*, 2003; Foote *et al.*, 2004; Holt *et al.*, 2012), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.*, 2007). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.*, 1994).

Cerchio *et al.* (2014) used PAM to document the presence of singing humpback whales off the coast of northern Angola and to opportunistically test for the effect of seismic survey activity on the number of singing whales. Two recording units were deployed between March and December 2008 in the offshore environment; numbers of singers were counted every hour. Generalized Additive Mixed Models were used to assess the effect of survey day (seasonality), hour (diel variation), moon phase, and received levels of noise (measured from a single pulse during each 10 minutes sampled period) on singer number. The number of singers significantly decreased with increasing received level of noise, suggesting that humpback whale communication was disrupted to some extent by the survey activity.

Castellote *et al.* (2012) reported acoustic and behavioral changes by fin whales in response to shipping and airgun noise. Acoustic features of fin whale song notes recorded in the Mediterranean Sea and northeast Atlantic Ocean were compared for areas with different shipping noise levels and traffic intensities and during a seismic airgun survey. During the first 72 hours of the survey, a steady decrease in song received levels and bearings to singers indicated that whales moved away from the acoustic source and out of the study area. This displacement persisted for a time period well beyond the 10-day duration of seismic airgun activity, providing evidence that fin whales may avoid an area for an extended period in the presence of increased noise. The authors hypothesize that fin whale acoustic communication is modified to compensate for increased background noise and that a sensitization process may play a role in the observed temporary displacement.

Seismic pulses at average received levels of 131 dB re 1 $\mu\text{Pa}^2\text{-s}$ caused blue whales to increase call production (Di Iorio and Clark, 2010). In contrast, McDonald *et al.* (1995) tracked a blue whale with seafloor seismometers and reported that it stopped vocalizing and changed its travel direction at a range of 10 km from the acoustic source vessel (estimated received level 143 dB pk-pk). Blackwell *et al.* (2013) found that bowhead whale call rates dropped significantly at onset of airgun use at sites with a median distance of 41–45 km from the survey. Blackwell *et al.* (2015) expanded this analysis to show that whales actually increased calling rates as soon as airgun signals were detectable before ultimately decreasing calling rates at higher received levels

(*i.e.*, 10-minute cumulative sound exposure level (SEL_{cum}) of ~127 dB). Overall, these results suggest that bowhead whales may adjust their vocal output in an effort to compensate for noise before ceasing vocalization effort and ultimately deflecting from the acoustic source (Blackwell *et al.*, 2013, 2015). These studies demonstrate that even low levels of noise received far from the source can induce changes in vocalization and/or behavior for mysticetes.

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.*, 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.*, 1984). Humpback whales show avoidance behavior in the presence of an active seismic array during observational studies and controlled exposure experiments in western Australia (McCauley *et al.*, 2000). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.*, Bowles *et al.*, 1994; Goold, 1996; Stone *et al.*, 2000; Morton and Symonds, 2002; Gailey *et al.*, 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.*, Bejder *et al.*, 2006; Teilmann *et al.*, 2006).

Forney *et al.* (2017) detail the potential effects of noise on marine mammal populations with high site fidelity, including displacement and auditory masking, noting that a lack of observed response does not imply absence of fitness costs and that apparent tolerance of disturbance may have population-level impacts that are less obvious and difficult to document. Avoidance of overlap between disturbing noise and areas and/or times of particular importance for sensitive species may be critical to avoiding population-level impacts because (particularly for animals with high site fidelity) there may be a strong motivation to remain in the area despite negative impacts. Forney *et al.* (2017) state that, for these animals, remaining in a disturbed area may reflect a lack of alternatives rather than a lack of effects.

Forney *et al.* (2017) specifically discuss beaked whales, stating that until recently most knowledge of beaked whales was derived from strandings, as they have been involved in atypical

mass stranding events associated with mid-frequency active sonar (MFAS) training operations. Given these observations and recent research, beaked whales appear to be particularly sensitive and vulnerable to certain types of acoustic disturbance relative to most other marine mammal species. Individual beaked whales reacted strongly to experiments using simulated MFAS at low received levels, by moving away from the sound source and stopping foraging for extended periods. These responses, if on a frequent basis, could result in significant fitness costs to individuals (Forney *et al.*, 2017). Additionally, difficulty in detection of beaked whales due to their cryptic surfacing behavior and silence when near the surface pose problems for mitigation measures employed to protect beaked whales. Forney *et al.* (2017) specifically states that failure to consider both displacement of beaked whales from their habitat and noise exposure could lead to more severe biological consequences.

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.*, directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.*, when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.*, Beauchamp and Livoreil, 1997; Fritz *et al.*, 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause

population declines through reduction of fitness (e.g., decline in body condition) and subsequent reduction in reproductive success, survival, or both (e.g., Harrington and Veitch, 1992; Daan *et al.*, 1996; Bradshaw *et al.*, 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a 5-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors, such as sound exposure, are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.*, 2007).

Consequently, a behavioral response lasting less than 1 day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.*, 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Stone (2015) reported data from at-sea observations during 1,196 seismic surveys from 1994 to 2010. When arrays of large airguns (considered to be 500 in³ or more in that study) were firing, lateral displacement, more localized avoidance, or other changes in behavior were evident for most odontocetes. However, significant responses to large arrays were found only for the minke whale and fin whale. Behavioral responses observed included changes in swimming or surfacing behavior, with indications that cetaceans remained near the water surface at these times. Cetaceans were recorded as feeding less often when large arrays were active. Behavioral observations of gray whales during a seismic survey monitored whale movements and respirations pre-, during, and post-seismic survey (Gailey *et al.*, 2016). Behavioral state and water depth were the best “natural” predictors of whale movements and respiration and, after considering natural variation, none of the response variables were significantly associated with seismic survey or vessel sounds.

Stress Responses—An animal’s perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system

responses, neuroendocrine responses, or immune responses (e.g., Seyle, 1950; Moberg, 2000). In many cases, an animal’s first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal’s fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (e.g., Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.*, 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficiently to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (e.g., Holberton *et al.*, 1996; Hood *et al.*, 1998; Jessop *et al.*, 2003; Krausman *et al.*, 2004; Lankford *et al.*, 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.*, 2002b) and, more rarely, studied in wild populations (e.g., Romano *et al.*, 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and

other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as “distress.” In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003).

Auditory Masking—Sound can disrupt behavior through masking, or interfering with, an animal’s ability to detect, recognize, or discriminate between acoustic signals of interest (e.g., those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.*, 1995; Erbe *et al.*, 2016). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (e.g., snapping shrimp, wind, waves, precipitation) or anthropogenic (e.g., shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (e.g., signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal’s hearing abilities (e.g., sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions.

Under certain circumstances, significant masking could disrupt behavioral patterns, which in turn could affect fitness for survival and reproduction. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in predicting any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication

space of animals (e.g., Clark *et al.*, 2009) and may result in energetic or other costs as animals change their vocalization behavior (e.g., Miller *et al.*, 2000; Foote *et al.*, 2004; Parks *et al.*, 2007; Di Iorio and Clark, 2009; Holt *et al.*, 2009). Masking may be less in situations where the signal and noise come from different directions (Richardson *et al.*, 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore, 2014). Masking can be tested directly in captive species (e.g., Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (e.g., Branstetter *et al.*, 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand, 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (e.g., from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking.

Masking effects of pulsed sounds (even from large arrays of airguns) on marine mammal calls and other natural sounds are expected to be limited, although there are few specific data on this. Because of the intermittent nature and low duty cycle of seismic pulses, animals can emit and receive sounds in the relatively quiet intervals between pulses. However, in exceptional situations, reverberation occurs for much or all of the interval between pulses (e.g., Simard *et al.* 2005; Clark and Gagnon 2006), which could mask calls. Situations with prolonged strong reverberation are infrequent. However, it is common for reverberation to cause some lesser degree of elevation of the background level between airgun pulses (e.g., Gedamke 2011; Guerra *et al.* 2011, 2016; Klinck *et al.* 2012; Guan *et al.* 2015), and this weaker reverberation presumably reduces the detection range of calls and other natural sounds to some degree. Guerra *et al.* (2016) reported that ambient noise levels between seismic pulses were elevated as a result of reverberation at ranges of 50 km from the seismic source. Based on measurements in deep water of the

Southern Ocean, Gedamke (2011) estimated that the slight elevation of background noise levels during intervals between seismic pulses reduced blue and fin whale communication space by as much as 36–51 percent when a seismic survey was operating 450–2,800 km away. Based on preliminary modeling, Wittekind *et al.* (2016) reported that airgun sounds could reduce the communication range of blue and fin whales 2,000 km from the seismic source. Nieuwirth *et al.* (2012) and Blackwell *et al.* (2013) noted the potential for masking effects from seismic surveys on large whales.

Some baleen and toothed whales are known to continue calling in the presence of seismic pulses, and their calls usually can be heard between the pulses (e.g., Nieuwirth *et al.* 2012; Thode *et al.* 2012; Bröker *et al.* 2013; Sciacca *et al.* 2016). Cerchio *et al.* (2014) suggested that the breeding display of humpback whales off Angola could be disrupted by seismic sounds, as singing activity declined with increasing received levels. In addition, some cetaceans are known to change their calling rates, shift their peak frequencies, or otherwise modify their vocal behavior in response to airgun sounds (e.g., Di Iorio and Clark 2010; Castellote *et al.* 2012; Blackwell *et al.* 2013, 2015). The hearing systems of baleen whales are more sensitive to low-frequency sounds than are the ears of the small odontocetes that have been studied directly (e.g., MacGillivray *et al.*, 2014). The sounds important to small odontocetes are predominantly at much higher frequencies than are the dominant components of airgun sounds, thus limiting the potential for masking. In general, masking effects of seismic pulses are expected to be minor, given the normally intermittent nature of seismic pulses.

Vessel Noise

Vessel noise from the Langseth could affect marine animals in the proposed survey areas. Houghton *et al.* (2015) proposed that vessel speed is the most important predictor of received noise levels, and Putland *et al.* (2017) also reported reduced sound levels with decreased vessel speed. However, some energy is also produced at higher frequencies (Hermannsen *et al.*, 2014); low levels of high-frequency sound from vessels has been shown to elicit responses in harbor porpoise (Dyndo *et al.*, 2015).

Vessel noise, through masking, can reduce the effective communication distance of a marine mammal if the frequency of the sound source is close to that used by the animal, and if the

sound is present for a significant fraction of time (e.g., Richardson *et al.* 1995; Clark *et al.*, 2009; Jensen *et al.*, 2009; Gervaise *et al.*, 2012; Hatch *et al.*, 2012; Rice *et al.*, 2014; Dunlop 2015; Erbe *et al.*, 2015; Jones *et al.*, 2017; Putland *et al.*, 2017). In addition to the frequency and duration of the masking sound, the strength, temporal pattern, and location of the introduced sound also play a role in the extent of the masking (Branstetter *et al.*, 2013, 2016; Finneran and Branstetter 2013; Sills *et al.*, 2017). Branstetter *et al.* (2013) reported that time-domain metrics are also important in describing and predicting masking.

Baleen whales are thought to be more sensitive to sound at these low frequencies than are toothed whales (e.g., MacGillivray *et al.* 2014), possibly causing localized avoidance of the proposed survey area during seismic operations. Many odontocetes show considerable tolerance of vessel traffic, although they sometimes react at long distances if confined by ice or shallow water, if previously harassed by vessels, or have had little or no recent exposure to vessels (Richardson *et al.* 1995). Pirota *et al.* (2015) noted that the physical presence of vessels, not just ship noise, disturbed the foraging activity of bottlenose dolphins. There is little data on the behavioral reactions of beaked whales to vessel noise, though they seem to avoid approaching vessels (e.g., Würsig *et al.*, 1998) or dive for an extended period when approached by a vessel (e.g., Kasuya 1986).

In summary, project vessel sounds would not be at levels expected to cause anything more than possible localized and temporary behavioral changes in marine mammals, and would not be expected to result in significant negative effects on individuals or at the population level. In addition, in all oceans of the world, large vessel traffic is currently so prevalent that it is commonly considered a usual source of ambient sound (NSF-USGS 2011).

Vessel Strike

Vessel collisions with marine mammals, or vessel strikes, can result in death or serious injury of the animal. Wounds resulting from vessel strike may include massive trauma, hemorrhaging, broken bones, or propeller lacerations (Knowlton and Kraus, 2001). An animal at the surface may be struck directly by a vessel, a surfacing animal may hit the bottom of a vessel, or an animal just below the surface may be cut by a vessel's propeller. Superficial strikes may not kill or result in the death of the animal. These interactions are typically

associated with large whales (*e.g.*, fin whales), which are occasionally found draped across the bulbous bow of large commercial vessels upon arrival in port. Although smaller cetaceans are more maneuverable in relation to large vessels than are large whales, they may also be susceptible to strike. The severity of injuries typically depends on the size and speed of the vessel, with the probability of death or serious injury increasing as vessel speed increases (Knowlton and Kraus, 2001; Laist *et al.*, 2001; Vanderlaan and Taggart, 2007; Conn and Silber, 2013). Impact forces increase with speed, as does the probability of a strike at a given distance (Silber *et al.*, 2010; Gende *et al.*, 2011).

Pace and Silber (2005) also found that the probability of death or serious injury increased rapidly with increasing vessel speed. Specifically, the predicted probability of serious injury or death increased from 45 to 75 percent as vessel speed increased from 10 to 14 knots (kn (26 kilometer per hour (kph))), and exceeded 90 percent at 17 kn (31 kph). Higher speeds during collisions result in greater force of impact, but higher speeds also appear to increase the chance of severe injuries or death through increased likelihood of collision by pulling whales toward the vessel (Clyne, 1999; Knowlton *et al.*, 1995). In a separate study, Vanderlaan and Taggart (2007) analyzed the probability of lethal mortality of large whales at a given speed, showing that the greatest rate of change in the probability of a lethal injury to a large whale as a function of vessel speed occurs between 8.6 and 15 kn (28 kph). The chances of a lethal injury decline from approximately 80 percent at 15 kn (28 kph) to approximately 20 percent at 8.6 kn (16 kph). At speeds below 11.8 kn (22 kph), the chances of lethal injury drop below 50 percent, while the probability asymptotically increases toward one hundred percent above 15 kn (28 kph).

The Langseth will travel at a speed of 5 kn (9 kph) while towing seismic survey gear. At this speed, both the possibility of striking a marine mammal and the possibility of a strike resulting in serious injury or mortality are discountable. At average transit speed, the probability of serious injury or mortality resulting from a strike is less than 50 percent. However, the likelihood of a strike actually happening is again discountable. Vessel strikes, as analyzed in the studies cited above, generally involve commercial shipping, which is much more common in both space and time than is geophysical survey activity. Jensen and Silber (2004) summarized vessel strikes of large

whales worldwide from 1975–2003 and found that most collisions occurred in the open ocean and involved large vessels (*e.g.*, commercial shipping). No such incidents were reported for geophysical survey vessels during that time period.

It is possible for vessel strikes to occur while traveling at slow speeds. For example, a hydrographic survey vessel traveling at low speed (5.5 kn (10 kph)) while conducting mapping surveys off the central California coast struck and killed a blue whale in 2009. The State of California determined that the whale had suddenly and unexpectedly surfaced beneath the hull, with the result that the propeller severed the whale's vertebrae, and that this was an unavoidable event. This strike represents the only such incident in approximately 540,000 hours of similar coastal mapping activity ($p = 1.9 \times 10^{-6}$; 95 percent confidence interval = $0-5.5 \times 10^{-6}$; NMFS, 2013). In addition, a research vessel reported a fatal strike in 2011 of a dolphin in the Atlantic, demonstrating that it is possible for strikes involving smaller cetaceans to occur. In that case, the incident report indicated that an animal apparently was struck by the vessel's propeller as it was intentionally swimming near the vessel. While indicative of the type of unusual events that cannot be ruled out, neither of these instances represents a circumstance that would be considered reasonably foreseeable or that would be considered preventable.

Although the likelihood of the vessel striking a marine mammal is low, we propose a robust vessel strike avoidance protocol (see Proposed Mitigation), which we believe eliminates any foreseeable risk of vessel strike during transit. We anticipate that vessel collisions involving a seismic data acquisition vessel towing gear, while not impossible, represent unlikely, unpredictable events for which there are no preventive measures. Given the proposed mitigation measures, the relatively slow speed of the vessel towing gear, the presence of bridge crew watching for obstacles at all times (including marine mammals), and the presence of marine mammal observers, the possibility of vessel strike is discountable and, further, were a strike of a large whale to occur, it would be unlikely to result in serious injury or mortality. No incidental take resulting from vessel strike is anticipated, and this potential effect of the specified activity will not be discussed further in the following analysis.

Stranding—When a living or dead marine mammal swims or floats onto shore and becomes “beached” or

incapable of returning to sea, the event is a “stranding” (Geraci *et al.*, 1999; Perrin and Geraci, 2002; Geraci and Lounsbury, 2005; NMFS, 2007). The legal definition for a stranding under the MMPA is that a marine mammal is dead and is on a beach or shore of the United States; or in waters under the jurisdiction of the United States (including any navigable waters); or a marine mammal is alive and is on a beach or shore of the United States and is unable to return to the water; on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

Marine mammals strand for a variety of reasons, such as infectious agents, biotoxins, starvation, fishery interaction, vessel strike, unusual oceanographic or weather events, sound exposure, or combinations of these stressors sustained concurrently or in series. However, the cause or causes of most strandings are unknown (Geraci *et al.*, 1976; Eaton, 1979; Odell *et al.*, 1980; Best, 1982). Numerous studies suggest that the physiology, behavior, habitat relationships, age, or condition of cetaceans may cause them to strand or might pre-dispose them to strand when exposed to another phenomenon. These suggestions are consistent with the conclusions of numerous other studies that have demonstrated that combinations of dissimilar stressors commonly combine to kill an animal or dramatically reduce its fitness, even though one exposure without the other does not produce the same result (Chrousos, 2000; Creel, 2005; DeVries *et al.*, 2003; Fair and Becker, 2000; Foley *et al.*, 2001; Moberg, 2000; Relyea, 2005a; 2005b, Romero, 2004; Sih *et al.*, 2004).

There is no conclusive evidence that exposure to airgun noise results in behaviorally-mediated forms of injury. Behaviorally-mediated injury (*i.e.*, mass stranding events) has been primarily associated with beaked whales exposed to mid-frequency active (MFA) naval sonar. MFA sonar and the alerting stimulus used in Nowacek *et al.* (2004) are very different from the noise produced by airguns. One should therefore not expect the same reaction to airgun noise as to these other sources. As explained below, military MFA sonar is very different from airguns, and one should not assume that airguns will cause the same effects as MFA sonar (including strandings).

To understand why military MFA sonar affects beaked whales differently than airguns do, it is important to note the distinction between behavioral sensitivity and susceptibility to auditory injury. To understand the potential for auditory injury in a particular marine mammal species in relation to a given acoustic signal, the frequency range the species is able to hear is critical, as well as the species' auditory sensitivity to frequencies within that range. Current data indicate that not all marine mammal species have equal hearing capabilities across all frequencies and, therefore, species are grouped into hearing groups with generalized hearing ranges assigned on the basis of available data (Southall *et al.*, 2007, 2019). Hearing ranges as well as auditory sensitivity/susceptibility to frequencies within those ranges vary across the different groups. For example, in terms of hearing range, the high-frequency cetaceans (*e.g.*, *Kogia* spp.) have a generalized hearing range of frequencies between 275 Hz and 160 kHz, while mid-frequency cetaceans—such as dolphins and beaked whales—have a generalized hearing range between 150 Hz to 160 kHz. Regarding auditory susceptibility within the hearing range, while mid-frequency cetaceans and high-frequency cetaceans have roughly similar hearing ranges, the high-frequency group is much more susceptible to noise-induced hearing loss during sound exposure, *i.e.*, these species have lower thresholds for these effects than other hearing groups (NMFS, 2018). Referring to a species as behaviorally sensitive to noise simply means that an animal of that species is more likely to respond to lower received levels of sound than an animal of another species that is considered less behaviorally sensitive. So, while dolphin species and beaked whale species—both in the mid-frequency cetacean hearing group—are assumed to generally hear the same sounds equally well and be equally susceptible to noise-induced hearing loss (auditory injury), the best available information indicates that a beaked whale is more likely to behaviorally respond to that sound at a lower received level compared to an animal from other mid-frequency cetacean species that are less behaviorally sensitive. This distinction is important because, while beaked whales are more likely to respond behaviorally to sounds than are many other species (even at lower levels), they cannot hear the predominant, lower frequency sounds from seismic airguns as well as sounds that have more energy at frequencies that beaked whales can

hear better (such as military MFA sonar).

Military MFA sonar affects beaked whales differently than airguns do because it produces energy at different frequencies than airguns. Mid-frequency cetacean hearing is generically thought to be best between 8.8 to 110 kHz, *i.e.*, these cutoff values define the range above and below which a species in the group is assumed to have declining auditory sensitivity, until reaching frequencies that cannot be heard (NMFS, 2018). However, beaked whale hearing is likely best within a higher, narrower range (20–80 kHz, with best sensitivity around 40 kHz), based on a few measurements of hearing in stranded beaked whales (Cook *et al.*, 2006; Finneran *et al.*, 2009; Pacini *et al.*, 2011) and several studies of acoustic signals produced by beaked whales (*e.g.*, Frantzis *et al.*, 2002; Johnson *et al.*, 2004, 2006; Zimmer *et al.*, 2005). While precaution requires that the full range of audibility be considered when assessing risks associated with noise exposure (Southall *et al.*, 2007, 2019), animals typically produce sound at frequencies where they hear best. More recently, Southall *et al.* (2019) suggested that certain species in the historical mid-frequency hearing group (beaked whales, sperm whales, and killer whales) are likely more sensitive to lower frequencies within the group's generalized hearing range than are other species within the group, and state that the data for beaked whales suggest sensitivity to approximately 5 kHz. However, this information is consistent with the general conclusion that beaked whales (and other mid-frequency cetaceans) are relatively insensitive to the frequencies where most energy of an airgun signal is found. Military MFA sonar is typically considered to operate in the frequency range of approximately 3–14 kHz (D'Amico *et al.*, 2009), *i.e.*, outside the range of likely best hearing for beaked whales but within or close to the lower bounds, whereas most energy in an airgun signal is radiated at much lower frequencies, below 500 Hz (Dragoset, 1990).

It is important to distinguish between energy (loudness, measured in dB) and frequency (pitch, measured in Hz). In considering the potential impacts of mid-frequency components of airgun noise (1–10 kHz, where beaked whales can be expected to hear) on marine mammal hearing, one needs to account for the energy associated with these higher frequencies and determine what energy is truly “significant.” Although there is mid-frequency energy associated with airgun noise (as expected from a broadband source),

airgun sound is predominantly below 1 kHz (Breitzke *et al.*, 2008; Tashmukhambetov *et al.*, 2008; Tolstoy *et al.*, 2009). As stated by Richardson *et al.* (1995), “[. . .] most emitted [seismic airgun] energy is at 10–120 Hz, but the pulses contain some energy up to 500–1,000 Hz.” Tolstoy *et al.* (2009) conducted empirical measurements, demonstrating that sound energy levels associated with airguns were at least 20 dB lower at 1 kHz (considered “mid-frequency”) compared to higher energy levels associated with lower frequencies (below 300 Hz) (“all but a small fraction of the total energy being concentrated in the 10–300 Hz range” [Tolstoy *et al.*, 2009]), and at higher frequencies (*e.g.*, 2.6–4 kHz), power might be less than 10 percent of the peak power at 10 Hz (Yoder, 2002). Energy levels measured by Tolstoy *et al.* (2009) were even lower at frequencies above 1 kHz. In addition, as sound propagates away from the source, it tends to lose higher-frequency components faster than low-frequency components (*i.e.*, low-frequency sounds typically propagate longer distances than high-frequency sounds) (Diebold *et al.*, 2010). Although higher-frequency components of airgun signals have been recorded, it is typically in surface-ducting conditions (*e.g.*, DeRuiter *et al.*, 2006; Madsen *et al.*, 2006) or in shallow water, where there are advantageous propagation conditions for the higher frequency (but low-energy) components of the airgun signal (Hermannsen *et al.*, 2015). This should not be of concern because the likely behavioral reactions of beaked whales that can result in acute physical injury would result from noise exposure at depth (because of the potentially greater consequences of severe behavioral reactions). In summary, the frequency content of airgun signals is such that beaked whales will not be able to hear the signals well (compared to MFA sonar), especially at depth where we expect the consequences of noise exposure could be more severe.

Aside from frequency content, there are other significant differences between MFA sonar signals and the sounds produced by airguns that minimize the risk of severe behavioral reactions that could lead to strandings or deaths at sea, *e.g.*, significantly longer signal duration, horizontal sound direction, typical fast and unpredictable source movement. All of these characteristics of MFA sonar tend towards greater potential to cause severe behavioral or physiological reactions in exposed beaked whales that may contribute to stranding. Although both sources are powerful, MFA sonar contains significantly greater energy in

the mid-frequency range, where beaked whales hear better. Short-duration, high energy pulses—such as those produced by airguns—have greater potential to cause damage to auditory structures (though this is unlikely for mid-frequency cetaceans, as explained later in this document), but it is longer duration signals that have been implicated in the vast majority of beaked whale strandings. Faster, less predictable movements in combination with multiple source vessels are more likely to elicit a severe, potentially anti-predator response. Of additional interest in assessing the divergent characteristics of MFA sonar and airgun signals and their relative potential to cause stranding events or deaths at sea is the similarity between the MFA sonar signals and stereotyped calls of beaked whales' primary predator: the killer whale (Zimmer and Tyack, 2007). Although generic disturbance stimuli—as airgun noise may be considered in this case for beaked whales—may also trigger antipredator responses, stronger responses should generally be expected when perceived risk is greater, as when the stimulus is confused for a known predator (Frid and Dill, 2002). In addition, because the source of the perceived predator (*i.e.*, MFA sonar) will likely be closer to the whales (because attenuation limits the range of detection of mid-frequencies) and moving faster (because it will be on faster-moving vessels), any antipredator response would be more likely to be severe (with greater perceived predation risk, an animal is more likely to disregard the cost of the response; Frid and Dill, 2002). Indeed, when analyzing movements of a beaked whale exposed to playback of killer whale predation calls, Allen *et al.* (2014) found that the whale engaged in a prolonged, directed avoidance response, suggesting a behavioral reaction that could pose a risk factor for stranding. Overall, these significant differences between sound from MFA sonar and the mid-frequency sound component from airguns and the likelihood that MFA sonar signals will be interpreted in error as a predator are critical to understanding the likely risk of behaviorally-mediated injury due to seismic surveys.

The available scientific literature also provides a useful contrast between airgun noise and MFA sonar regarding the likely risk of behaviorally-mediated injury. There is strong evidence for the association of beaked whale stranding events with MFA sonar use, and particularly detailed accounting of several events is available (*e.g.*, a 2000 Bahamas stranding event for which

investigators concluded that MFA sonar use was responsible; Evans and England, 2001). D'Amico *et al.*, (2009) reviewed 126 beaked whale mass stranding events over the period from 1950 (*i.e.*, from the development of modern MFA sonar systems) through 2004. Of these, there were two events where detailed information was available on both the timing and location of the stranding and the concurrent nearby naval activity, including verification of active MFA sonar usage, with no evidence for an alternative cause of stranding. An additional 10 events were at minimum spatially and temporally coincident with naval activity likely to have included MFA sonar use and, despite incomplete knowledge of timing and location of the stranding or the naval activity in some cases, there was no evidence for an alternative cause of stranding. The U.S. Navy has publicly stated agreement that five such events since 1996 were associated in time and space with MFA sonar use, either by the U.S. Navy alone or in joint training exercises with the North Atlantic Treaty Organization. The U.S. Navy additionally noted that, as of 2017, a 2014 beaked whale stranding event in Crete coincident with naval exercises was under review and had not yet been determined to be linked to sonar activities (U.S. Navy, 2017). Separately, the International Council for the Exploration of the Sea reported in 2005 that, worldwide, there have been about 50 known strandings, consisting mostly of beaked whales, with a potential causal link to MFA sonar (ICES, 2005). In contrast, very few such associations have been made to seismic surveys, despite widespread use of airguns as a geophysical sound source in numerous locations around the world.

A review of possible stranding associations with seismic surveys (Castellote and Llorens, 2016) states that, “[s]peculation concerning possible links between seismic survey noise and cetacean strandings is available for a dozen events but without convincing causal evidence.” The authors' search of available information found 10 events worth further investigation via a ranking system representing a rough metric of the relative level of confidence offered by the data for inferences about the possible role of the seismic survey in a given stranding event. Only three of these events involved beaked whales. Whereas D'Amico *et al.*, (2009) used a 1–5 ranking system, in which “1” represented the most robust evidence connecting the event to MFA sonar use, Castellote and Llorens (2016) used a 1–

6 ranking system, in which “6” represented the most robust evidence connecting the event to the seismic survey. As described above, D'Amico *et al.* (2009) found that two events were ranked “1” and 10 events were ranked “2” (*i.e.*, 12 beaked whale stranding events were found to be associated with MFA sonar use). In contrast, Castellote and Llorens (2016) found that none of the three beaked whale stranding events achieved their highest ranks of 5 or 6. Of the 10 total events, none achieved the highest rank of 6. Two events were ranked as 5: one stranding in Peru involving dolphins and porpoises and a 2008 stranding in Madagascar. This latter ranking can only be broadly associated with the survey itself, as opposed to use of seismic airguns. An investigation of this stranding event, which did not involve beaked whales, concluded that use of a high-frequency mapping system (12-kHz multibeam echosounder) was the most plausible and likely initial behavioral trigger of the event, which was likely exacerbated by several site- and situation-specific secondary factors. The review panel found that seismic airguns were used after the initial strandings and animals entering a lagoon system, that airgun use clearly had no role as an initial trigger, and that there was no evidence that airgun use dissuaded animals from leaving (Southall *et al.*, 2013).

However, one of these stranding events, involving two Cuvier's beaked whales, was contemporaneous with and reasonably associated spatially with a 2002 seismic survey in the Gulf of California conducted by L-DEO, as was the case for the 2007 Gulf of Cadiz seismic survey discussed by Castellote and Llorens (also involving two Cuvier's beaked whales). Neither event was considered a “true atypical mass stranding” (according to Frantzis (1998)) as used in the analysis of Castellote and Llorens (2016). While we agree with the authors that this lack of evidence should not be considered conclusive, it is clear that there is very little evidence that seismic surveys should be considered as posing a significant risk of acute harm to beaked whales or other mid-frequency cetaceans. We have considered the potential for the proposed surveys to result in marine mammal stranding and, based on the best available information, do not expect a stranding to occur.

Entanglement—Entanglements occur when marine mammals become wrapped around cables, lines, nets, or other objects suspended in the water column. During seismic operations, numerous cables, lines, and other objects primarily associated with the

airgun array and hydrophone streamers will be towed behind the Langseth near the water's surface. However, we are not aware of any cases of entanglement of marine mammals in seismic survey equipment. No incidents of entanglement of marine mammals with seismic survey gear have been documented in over 54,000 nautical miles (100,000 km) of previous NSF-funded seismic surveys when observers were aboard (e.g., Smultea and Holst 2003; Haley and Koski 2004; Holst 2004; Smultea *et al.*, 2004; Holst *et al.*, 2005a; Haley and Ireland 2006; SIO and NSF 2006b; Hauser *et al.*, 2008; Holst and Smultea 2008). Although entanglement with the streamer is theoretically possible, it has not been documented during tens of thousands of miles of NSF-sponsored seismic cruises or, to our knowledge, during hundreds of thousands of miles of industrial seismic cruises. There are a relative few deployed devices, and no interaction between marine mammals and any such device has been recorded during prior NSF surveys using the devices. There are no meaningful entanglement risks posed by the proposed survey, and entanglement risks are not discussed further in this document.

Anticipated Effects on Marine Mammal Habitat

Physical Disturbance—Sources of seafloor disturbance related to geophysical surveys that may impact marine mammal habitat include placement of anchors, nodes, cables, sensors, or other equipment on or in the seafloor for various activities. Equipment deployed on the seafloor has the potential to cause direct physical damage and could affect bottom-associated fish resources. During this survey, OBSs would be deployed on the seafloor, secured with concrete and/or steel anchors. All OBSs would be recovered by the end of the survey.

Placement of equipment could damage areas of hard bottom where direct contact with the seafloor occurs and could crush epifauna (organisms that live on the seafloor or surface of other organisms). Damage to unknown or unseen hard bottom could occur, but because of the small area covered by most bottom-founded equipment and the patchy distribution of hard bottom habitat, contact with unknown hard bottom is expected to be rare and impacts minor. Seafloor disturbance in areas of soft bottom can cause loss of small patches of epifauna and infauna due to burial or crushing, and bottom-feeding fishes could be temporarily displaced from feeding areas. Overall,

any effects of physical damage to habitat are expected to be minor and temporary.

Effects to Prey—Marine mammal prey varies by species, season, and location and, for some, is not well documented. Fish react to sounds which are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. However, the reaction of fish to airguns depends on the physiological state of the fish, past exposures, motivation (e.g., feeding, spawning, migration), and other environmental factors. Several studies have demonstrated that airgun sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (e.g., Fewtrell and McCauley, 2012; Pearson *et al.*, 1992; Skalski *et al.*, 1992; Santulli *et al.*, 1999; Paxton *et al.*, 2017), though the bulk of studies indicate no or slight reaction to noise (e.g., Miller and Cripps, 2013; Dalen and Knutsen, 1987; Pena *et al.*, 2013; Chapman and Hawkins, 1969; Wardle *et al.*, 2001; Sara *et al.*, 2007; Jorgenson and Gyselman, 2009; Blaxter *et al.*, 1981; Cott *et al.*, 2012; Boeger *et al.*, 2006), and that, most commonly, while there are likely to be impacts to fish as a result of noise from nearby airguns, such effects will be temporary. For example, investigators reported significant, short-term declines in commercial fishing catch rate of gadid fishes during and for up to 5 days after seismic survey operations, but the catch rate subsequently returned to normal (Engas *et al.*, 1996; Engas and Lokkeborg, 2002). Other studies have reported similar findings (Hassel *et al.*, 2004). Skalski *et al.*, (1992) also found a reduction in catch rates—for rockfish (*Sebastes* spp.) in response to controlled airgun exposure—but suggested that the mechanism underlying the decline was not dispersal but rather decreased responsiveness to baited hooks associated with an alarm behavioral response. A companion study showed that alarm and startle responses were not sustained following the removal of the sound source (Pearson *et al.*, 1992). Therefore, Skalski *et al.* (1992) suggested that the effects on fish abundance may be transitory, primarily occurring during the sound exposure itself. In some cases, effects on catch rates are variable within a study, which may be more broadly representative of temporary displacement of fish in response to airgun noise (i.e., catch rates may increase in some locations and decrease in others) than any long-term damage to the fish themselves (Streever *et al.*, 2016).

Sound pressure levels of sufficient strength have been known to cause injury to fish and fish mortality and, in some studies, fish auditory systems have been damaged by airgun noise (McCauley *et al.*, 2003; Popper *et al.*, 2005; Song *et al.*, 2008). However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012) showed that a TTS of 4–6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long; both of which are conditions unlikely to occur for this survey that is necessarily transient in any given location and likely result in brief, infrequent noise exposure to prey species in any given area. For this survey, the sound source is constantly moving, and most fish would likely avoid the sound source prior to receiving sound of sufficient intensity to cause physiological or anatomical damage. In addition, ramp-up may allow certain fish species the opportunity to move further away from the sound source.

A comprehensive review (Carroll *et al.*, 2017) found that results are mixed as to the effects of airgun noise on the prey of marine mammals. While some studies suggest a change in prey distribution and/or a reduction in prey abundance following the use of seismic airguns, others suggest no effects or even positive effects in prey abundance. As one specific example, Paxton *et al.* (2017), which describes findings related to the effects of a 2014 seismic survey on a reef off of North Carolina, showed a 78 percent decrease in observed nighttime abundance for certain species. It is important to note that the evening hours during which the decline in fish habitat use was recorded (via video recording) occurred on the same day that the seismic survey passed, and no subsequent data is presented to support an inference that the response was long-lasting. Additionally, given that the finding is based on video images, the lack of recorded fish presence does not support a conclusion that the fish actually moved away from the site or suffered any serious impairment. In summary, this particular study corroborates prior studies indicating that a startle response or short-term displacement should be expected.

Available data suggest that cephalopods are capable of sensing the particle motion of sounds and detect low frequencies up to 1–1.5 kHz, depending on the species, and so are

likely to detect airgun noise (Kaifu *et al.*, 2008; Hu *et al.*, 2009; Mooney *et al.*, 2010; Samson *et al.*, 2014). Auditory injuries (lesions occurring on the statocyst sensory hair cells) have been reported upon controlled exposure to low-frequency sounds, suggesting that cephalopods are particularly sensitive to low-frequency sound (Andre *et al.*, 2011; Sole *et al.*, 2013). Behavioral responses, such as inking and jetting, have also been reported upon exposure to low-frequency sound (McCauley *et al.*, 2000b; Samson *et al.*, 2014). Similar to fish, however, the transient nature of the survey leads to an expectation that effects will be largely limited to behavioral reactions and would occur as a result of brief, infrequent exposures.

With regard to potential impacts on zooplankton, McCauley *et al.* (2017) found that exposure to airgun noise resulted in significant depletion for more than half the taxa present and that there were two to three times more dead zooplankton after airgun exposure compared with controls for all taxa, within 1 km of the airguns. However, the authors also stated that in order to have significant impacts on r-selected species (*i.e.*, those with high growth rates and that produce many offspring) such as plankton, the spatial or temporal scale of impact must be large in comparison with the ecosystem concerned, and it is possible that the findings reflect avoidance by zooplankton rather than mortality (McCauley *et al.*, 2017). In addition, the results of this study are inconsistent with a large body of research that generally finds limited spatial and temporal impacts to zooplankton as a result of exposure to airgun noise (*e.g.*, Dalen and Knutsen, 1987; Payne, 2004; Stanley *et al.*, 2011). Most prior research on this topic, which has focused on relatively small spatial scales, has showed minimal effects (*e.g.*, Kostyuchenko, 1973; Booman *et al.*, 1996; Sætre and Ona, 1996; Pearson *et al.*, 1994; Bolle *et al.*, 2012).

A modeling exercise was conducted as a follow-up to the McCauley *et al.* (2017) study (as recommended by McCauley *et al.*), in order to assess the potential for impacts on ocean ecosystem dynamics and zooplankton population dynamics (Richardson *et al.*, 2017). Richardson *et al.* (2017) found that for copepods with a short life cycle in a high-energy environment, a full-scale airgun survey would impact copepod abundance up to 3 days following the end of the survey, suggesting that effects such as those found by McCauley *et al.* (2017) would not be expected to be detectable

downstream of the survey areas, either spatially or temporally.

Notably, a more recently described study produced results inconsistent with those of McCauley *et al.* (2017). Researchers conducted a field and laboratory study to assess if exposure to airgun noise affects mortality, predator escape response, or gene expression of the copepod *Calanus finmarchicus* (Fields *et al.*, 2019). Immediate mortality of copepods was significantly higher, relative to controls, at distances of 5 m or less from the airguns. Mortality 1 week after the airgun blast was significantly higher in the copepods placed 10 m from the airgun but was not significantly different from the controls at a distance of 20 m from the airgun. The increase in mortality, relative to controls, did not exceed 30 percent at any distance from the airgun. Moreover, the authors caution that even this higher mortality in the immediate vicinity of the airguns may be more pronounced than what would be observed in free-swimming animals due to increased flow speed of fluid inside bags containing the experimental animals. There were no sublethal effects on the escape performance or the sensory threshold needed to initiate an escape response at any of the distances from the airgun that were tested. Whereas McCauley *et al.* (2017) reported an SEL of 156 dB at a range of 509–658 m, with zooplankton mortality observed at that range, Fields *et al.* (2019) reported an SEL of 186 dB at a range of 25 m, with no reported mortality at that distance. Regardless, if we assume a worst-case likelihood of severe impacts to zooplankton within approximately 1 km of the acoustic source, the brief time to regeneration of the potentially affected zooplankton populations does not lead us to expect any meaningful follow-on effects to the prey base for marine mammals.

A review article concluded that, while laboratory results provide scientific evidence for high-intensity and low-frequency sound-induced physical trauma and other negative effects on some fish and invertebrates, the sound exposure scenarios in some cases are not realistic to those encountered by marine organisms during routine seismic operations (Carroll *et al.*, 2017). The review finds that there has been no evidence of reduced catch or abundance following seismic activities for invertebrates, and that there is conflicting evidence for fish with catch observed to increase, decrease, or remain the same. Further, where there is evidence for decreased catch rates in response to airgun noise, these findings provide no information about the

underlying biological cause of catch rate reduction (Carroll *et al.*, 2017).

In summary, impacts of the specified activity on marine mammal prey species will likely generally be limited to behavioral responses, the majority of prey species will be capable of moving out of the area during the survey, a rapid return to normal recruitment, distribution, and behavior for prey species is anticipated, and, overall, impacts to prey species will be minor and temporary. Prey species exposed to sound might move away from the sound source, experience TTS, experience masking of biologically relevant sounds, or show no obvious direct effects. Mortality from decompression injuries is possible in close proximity to a sound, but only limited data on mortality in response to airgun noise exposure are available (Hawkins *et al.*, 2014). The most likely impacts for most prey species in the survey area would be temporary avoidance of the area. The proposed survey would move through an area relatively quickly, limiting exposure to multiple impulsive sounds. In all cases, sound levels would return to ambient once the survey moves out of the area or ends and the noise source is shut down and, when exposure to sound ends, behavioral and/or physiological responses are expected to end relatively quickly (McCauley *et al.*, 2000b). The duration of fish avoidance of a given area after survey effort stops is unknown, but a rapid return to normal recruitment, distribution, and behavior is anticipated. While the potential for disruption of spawning aggregations or schools of important prey species can be meaningful on a local scale, the mobile and temporary nature of this survey and the likelihood of temporary avoidance behavior suggest that impacts would be minor.

Acoustic Habitat—Acoustic habitat is the soundscape—which encompasses all of the sound present in a particular location and time, as a whole—when considered from the perspective of the animals experiencing it. Animals produce sound for, or listen for sounds produced by, conspecifics (communication during feeding, mating, and other social activities), other animals (finding prey or avoiding predators), and the physical environment (finding suitable habitats, navigating). Together, sounds made by animals and the geophysical environment (*e.g.*, produced by earthquakes, lightning, wind, rain, waves) make up the natural contributions to the total acoustics of a place. These acoustic conditions, termed acoustic habitat, are one attribute of an animal's total habitat.

Soundscapes are also defined by, and acoustic habitat influenced by, the total contribution of anthropogenic sound. This may include incidental emissions from sources such as vessel traffic, or may be intentionally introduced to the marine environment for data acquisition purposes (as in the use of airgun arrays). Anthropogenic noise varies widely in its frequency content, duration, and loudness and these characteristics greatly influence the potential habitat-mediated effects to marine mammals (please see also the previous discussion on masking under *Acoustic Effects*), which may range from local effects for brief periods of time to chronic effects over large areas and for long durations. Depending on the extent of effects to habitat, animals may alter their communications signals (thereby potentially expending additional energy) or miss acoustic cues (either conspecific or adventitious). For more detail on these concepts see, *e.g.*, Barber *et al.*, 2010; Pijanowski *et al.*, 2011; Francis and Barber, 2013; Lillis *et al.*, 2014.

Problems arising from a failure to detect cues are more likely to occur when noise stimuli are chronic and overlap with biologically relevant cues used for communication, orientation, and predator/prey detection (Francis and Barber, 2013). Although the signals emitted by seismic airgun arrays are generally low frequency, they would also likely be of short duration and transient in any given area due to the nature of these surveys. As described previously, exploratory surveys such as these cover a large area but would be transient rather than focused in a given location over time and therefore would not be considered chronic in any given location.

Based on the information discussed herein, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of "small numbers," and the negligible impact determinations.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the

MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Anticipated takes would primarily be by Level B harassment, as use of the airgun array have the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result for species of certain hearing groups due to the size of the predicted auditory injury zones for those groups. Auditory injury is less likely to occur for mid-frequency species due to their relative lack of sensitivity to the frequencies at which the primary energy of an airgun signal is found as well as such species' general lower sensitivity to auditory injury as compared to high-frequency cetaceans. As discussed in further detail below, we do not expect auditory injury for mid-frequency cetaceans. No mortality is anticipated as a result of these activities. Below we describe how the proposed 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 proposed 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 PTS of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021, Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μ Pa)) for continuous (*e.g.*, vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

L-DEO's proposed survey includes the use of impulsive seismic sources (*i.e.*, airguns), and therefore the 160 dB re 1 μ Pa is applicable for analysis 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). L-DEO's proposed survey includes the use of impulsive seismic sources (*i.e.*, airguns).

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>.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS Onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	Cell 2: $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	Cell 4: $L_{E,MF,24h}$: 198 dB
High-Frequency (HF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	Cell 6: $L_{E,HF,24h}$: 173 dB
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	Cell 8: $L_{E,PW,24h}$: 201 dB
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	Cell 10: $L_{E,OW,24h}$: 219 dB

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μ Pa, and cumulative sound exposure level (L_E) has a reference value of 1 μ Pa²s. In this table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including sound levels and transmission loss coefficient.

When the Technical Guidance was published (NMFS, 2016), in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a user spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools and will qualitatively address the output where appropriate.

The proposed survey would entail the use of a 36-airgun array with a total discharge volume of 6,600 in³ at a tow depth of 10 m to 12 m. L-DEO's model results are used to determine the 160 dB_{rms} radius for the airgun source down to a maximum depth of 2,000 m.

Received sound levels have been predicted by L-DEO's model (Diebold *et al.* 2010) as a function of distance from the 36-airgun array. This modeling approach uses ray tracing for the direct wave traveling from the array to the receiver and its associated source ghost (reflection at the air-water interface in the vicinity of the array), in a constant-velocity half-space (infinite homogeneous ocean layer, unbounded by a seafloor). In addition, propagation measurements of pulses from the 36-airgun array at a tow depth of 6 m have been reported in deep water (~1,600 m), intermediate water depth on the slope (~600–1,100 m), and shallow water (~50 m) in the Gulf of Mexico (Tolstoy *et al.* 2009; Diebold *et al.* 2010).

For deep and intermediate water cases, the field measurements cannot be used readily to derive the harassment isopleths, as at those sites the calibration hydrophone was located at a roughly constant depth of 350–550 m, which may not intersect all the SPL isopleths at their widest point from the sea surface down to the assumed maximum relevant water depth (~2000 m) for marine mammals. At short ranges, where the direct arrivals dominate and the effects of seafloor interactions are minimal, the data at the deep sites are suitable for comparison with modeled levels at the depth of the calibration hydrophone. At longer ranges, the comparison with the model—constructed from the maximum SPL through the entire water column at varying distances from the airgun array—is the most relevant.

In deep and intermediate water depths at short ranges, sound levels for direct arrivals recorded by the calibration hydrophone and L-DEO model results for the same array tow depth are in good alignment (see figures 12 and 14 in Diebold *et al.* 2010). Consequently, isopleths falling within this domain can be predicted reliably by the L-DEO model, although they may be imperfectly sampled by measurements recorded at a single depth. At greater distances, the calibration data show that seafloor-reflected and sub-seafloor-refracted arrivals dominate, whereas the direct arrivals become weak and/or incoherent (see figures 11, 12, and 16 in Diebold *et al.* 2010). Aside from local topography effects, the region around the critical distance is where the observed levels rise closest to the model curve. However, the observed sound levels are found to fall almost entirely below the model curve. Thus, analysis of the Gulf of Mexico calibration measurements demonstrates that although simple, the L-DEO model is a robust tool for conservatively estimating isopleths.

The proposed high-energy survey would acquire data with the 36-airgun array at a tow depth of 10 to 12 m. For deep water (>1,000 m), we use the deep-water radii obtained from L-DEO model results down to a maximum water depth of 2,000 m for the 36-airgun array. The radii for intermediate water depths (100–1,000 m) are derived from the deep-water ones by applying a correction factor (multiplication) of 1.5, such that observed levels at very near

offsets fall below the corrected mitigation curve (see figure 16 in Diebold *et al.* 2010).

L-DEO's modeling methodology is described in greater detail in L-DEO's application. The estimated distances to

the Level B harassment isopleth for the proposed airgun configuration are shown in table 4.

TABLE 4—PREDICTED RADIAL DISTANCES FROM THE R/V LANGSETH SEISMIC SOURCE TO ISOPLETH CORRESPONDING TO LEVEL B HARASSMENT THRESHOLD

Airgun configuration	Tow depth (m) ¹	Water depth (m)	Predicted distances (in m) to the Level B harassment threshold
4 strings, 36 airguns, 6,600 in ³	12	>1,000 100–1,000	² 6,733 ³ 10,100

¹ Maximum tow depth was used for conservative distances.

² Distance is based on L-DEO model results.

³ Distance is based on L-DEO model results with a 1.5 × correction factor between deep and intermediate water depths.

TABLE 5—MODELED RADIAL DISTANCE TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS

	Low frequency cetaceans	Mid frequency cetaceans	High frequency cetaceans	Phocid pinnipeds
MCS Surveys				
PTS SEL _{cum}	320.2	0	1	10.4
PTS Peak	38.9	13.6	268.3	43.7
OBS Surveys				
PTS SEL _{cum}	103.6	0	0.3	3.4
PTS Peak	38.9	13.6	268.3	43.7

The largest distance (in bold) of the dual criteria (SEL cum or Peak) was used to estimate threshold distances and potential takes by Level A harassment.

Table 5 presents the modeled PTS isopleths for each cetacean hearing group based on L-DEO modeling incorporated in the companion user spreadsheet, for the high-energy surveys with the shortest shot interval (*i.e.*, greatest potential to cause PTS based on accumulated sound energy) (NMFS 2018).

Predicted distances to Level A harassment isopleths, which vary based on marine mammal hearing groups, were calculated based on modeling performed by L-DEO using the Nucleus software program and the NMFS user spreadsheet, described below. The acoustic thresholds for impulsive sounds contained in the NMFS Technical Guidance were presented as dual metric acoustic thresholds using both SEL_{cum} and peak sound pressure metrics (NMFS 2016). As dual metrics, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the two metrics is exceeded (*i.e.*, metric resulting in the largest isopleth). The SEL_{cum} metric considers both level and duration of exposure, as well as auditory weighting functions by marine mammal hearing group.

The SEL_{cum} for the 36-airgun array is derived from calculating the modified

farfield signature. The farfield signature is often used as a theoretical representation of the source level. To compute the farfield signature, the source level is estimated at a large distance (right) below the array (*e.g.*, 9 km), and this level is back projected mathematically to a notional distance of 1 m from the array's geometrical center. However, it has been recognized that the source level from the theoretical farfield signature is never physically achieved at the source when the source is an array of multiple airguns separated in space (Tolstoy *et al.*, 2009). Near the source (at short ranges, distances <1 km), the pulses of sound pressure from each individual airgun in the source array do not stack constructively as they do for the theoretical farfield signature. The pulses from the different airguns spread out in time such that the source levels observed or modeled are the result of the summation of pulses from a few airguns, not the full array (Tolstoy *et al.*, 2009). At larger distances, away from the source array center, sound pressure of all the airguns in the array stack coherently, but not within one time sample, resulting in smaller source levels (a few dB) than the source level derived from the far-field signature. Because the far-field signature does not

take into account the large array effect near the source and is calculated as a point source, the far-field signature is not an appropriate measure of the sound source level for large arrays. See L-DEO's application for further detail on acoustic modeling.

Auditory injury is unlikely to occur for mid-frequency cetaceans, given the very small modeled zones of injury for those species (all estimated zones are less than 15 m for mid-frequency cetaceans), in context of distributed source dynamics.

In consideration of the received sound levels in the near-field as described above, we expect the potential for Level A harassment of mid-frequency cetaceans to be de minimis, even before the likely moderating effects of aversion and/or other compensatory behaviors (*e.g.*, Nachtigall *et al.*, 2018) are considered. We do not anticipate that Level A harassment is a likely outcome for any mid-frequency cetacean and do not propose to authorize any take by Level A harassment for these species.

The Level A and Level B harassment estimates are based on a consideration of the number of marine mammals that could be within the area around the operating airgun array where received levels of sound ≥160 dB re 1 µPa rms

are predicted to occur. The estimated numbers are based on the densities (numbers per unit area) of marine mammals expected to occur in the area in the absence of seismic surveys. To the extent that marine mammals tend to move away from seismic sources before the sound level reaches the criterion level and tend not to approach an operating airgun array, these estimates likely overestimate the numbers actually exposed to the specified level of sound.

Marine Mammal Occurrence

In this section, we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

Habitat-based stratified marine mammal densities for the North Atlantic are taken from the US Navy Atlantic Fleet Training and Testing Area Marine Mammal Density (Roberts *et al.*, 2023; Mannocci *et al.*, 2017), which represent the best available information regarding marine mammal densities in the region. This density information incorporates visual line-transect surveys of marine mammals for over 35 years, resulting in various studies that estimated the abundance, density, and distributions of marine mammal populations. The habitat-based density models consisted of 5 km x 5 km grid cells. The AFTT model does not overlap the proposed survey area but provides density data for marine mammals at the same

latitudes and water depths as the proposed survey area. The model covers an area of approximately 15–65° N, and from the east coast of the U.S. and Canada to 45° W. More information is available online at <https://seamap.env.duke.edu/models/Duke/AFTT/>. The range of most populations extends past the coverage of the model.

For most species, only annual densities were available. For some baleen whale species, seasonal densities were available; thus, densities that overlapped the timing of the proposed survey (*i.e.*, summer) were used.

Take Estimation

Here, we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization. In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in Level A or Level B harassment, radial distances from the airgun array to the predicted isopleth corresponding to the Level A harassment and Level B harassment thresholds are calculated, as described above. Those radial distances were then used to calculate the area(s) around the airgun array predicted to be ensonified to sound levels that exceed the harassment thresholds. The distance for the 160-dB Level B harassment threshold and PTS (Level A harassment)

thresholds (based on L-DEO model results) was used to draw a buffer around the area expected to be ensonified (*i.e.*, the survey area). The ensonified areas were then increased by 25 percent to account for potential delays, which is equivalent to adding 25 percent to the proposed line km to be surveyed. The density for each species was then multiplied by the daily ensonified areas (increased as described above) and then multiplied by the number of survey days (14) to estimate potential takes (see appendix B of L-DEO's application for more information).

L-DEO assumed that their estimates of marine mammal exposures above harassment thresholds equate to take and requested authorization of those takes. Those estimates in turn form the basis for our proposed take authorization numbers. For the species for which NMFS does not expect there to be a reasonable potential for take by Level A harassment to occur (*i.e.*, mid-frequency cetaceans and phocid seals), we have added L-DEO's estimated exposures above Level A harassment thresholds to their estimated exposures above the Level B harassment threshold to produce a total number of incidents of take by Level B harassment that is proposed for authorization. Estimated exposures and proposed take numbers for authorization are shown in table 6.

TABLE 6—ESTIMATED TAKE PROPOSED FOR AUTHORIZATION

Species	Estimated take		Proposed authorized take		Modeled abundance ¹	Percent of modeled abundance ²
	Level B	Level A	Level B	Level A		
Humpback whale ³	80	3	80	3	4,990	1.66
Minke whale	84	3	84	3	13,784	0.63
Fin whale	82	3	82	3	11,672	0.73
Sei whale	113	4	113	4	19,530	0.60
Blue whale	1	0	1	0	191	0.53
Sperm whale	214	0	214	0	64,015	0.33
Northern bottlenose whale	2	0	2	0	1,056	0.23
Beaked whales ⁴	255	0	255	0	65,069	0.39
Risso's dolphin	914	2	916	0	78,205	1.17
Atlantic white-sided dolphin	4,052	8	4,060	0	175,299	2.23
Bottlenose dolphin	974	2	976	0	418,151	0.23
Striped dolphin	148	0	148	0	412,729	0.04
White-beaked dolphin	46	0	46	0	2,627	1.76
Common dolphin	13,443	25	13,468	0	418,151	2.85
Long-finned pilot whale ⁵	1,020	2	1,022	0	264,907	0.39
Killer whale	24	0	24	0	972	2.48
Harbor porpoise	1,181	45	1,181	45	94,583	1.30
Phocid Seals ⁶	5,844	35	5,879	0	150,075	3.92

¹ Modeled abundance (Roberts *et al.* 2023) or North Atlantic abundance (NAMMCO 2023), where applicable.

² Requested take authorization is expressed as percent of population for the AFTT Area (Roberts *et al.* 2023).

³ Based on the best population estimates of 10,752 individuals for the West Indies breeding population (Stevick *et al.* 2003), and 260 individuals for the Cape Verde breeding population (Ryan *et al.* 2014); the ratio for these 2 populations was applied to estimate 2 takes for the Cape Verde/Northeast Africa DPS and 81 takes for the West Indies DPS.

⁴ Beaked whale guild. Includes Cuvier's beaked whale, Blaineville's beaked whale, and Sowerby's beaked whale. Most takes are assumed to be for Cuvier's beaked whale, as they are most likely to be encountered in the survey area.

⁵ Takes based on density for *Globicephala* sp. All takes are assumed to be for long-finned pilot whales as short-finned pilot whales are only found in tropical, subtropical, and warm temperate waters (Olson 2018) and are not expected to be found at this latitude.

⁶Seal guild. Includes hooded seal, harp seal, bearded seal, gray seal and harbor seal. Most takes are assumed to be for hooded seal and harp seal, as they are the most likely to be encountered in the survey area.

Proposed 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 (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

Vessel-Based Visual Mitigation Monitoring

Visual monitoring requires the use of trained observers (herein referred to as visual protected species observers (PSOs)) to scan the ocean surface for the presence of marine mammals. The area to be scanned visually includes primarily the shutdown zone (SZ), within which observation of certain marine mammals requires shutdown of the acoustic source, a buffer zone, and to the extent possible depending on conditions, the surrounding waters. The

buffer zone means an area beyond the SZ to be monitored for the presence of marine mammals that may enter the SZ. During pre-start clearance monitoring (*i.e.*, before ramp-up begins), the buffer zone also acts as an extension of the SZ in that observations of marine mammals within the buffer zone would also prevent airgun operations from beginning (*i.e.*, ramp-up). The buffer zone encompasses the area at and below the sea surface from the edge of the 0–500 m SZ, out to a radius of 1,000 m from the edges of the airgun array (500–1,000 m). This 1,000-m zone (SZ plus buffer) represents the pre-start clearance zone. Visual monitoring of the SZ and adjacent waters (buffer plus surrounding waters) is intended to establish and, when visual conditions allow, maintain zones around the sound source that are clear of marine mammals, thereby reducing or eliminating the potential for injury and minimizing the potential for more severe behavioral reactions for animals occurring closer to the vessel. Visual monitoring of the buffer zone is intended to (1) provide additional protection to marine mammals that may be in the vicinity of the vessel during pre-start clearance, and (2) during airgun use, aid in establishing and maintaining the SZ by alerting the visual observer and crew of marine mammals that are outside of, but may approach and enter, the SZ.

L-DEO must use dedicated, trained, and NMFS-approved PSOs. The PSOs must have no tasks other than to conduct observational effort, record observational data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements. PSO resumes shall be provided to NMFS for approval.

At least one of the visual and two of the acoustic PSOs (discussed below) aboard the vessel must have a minimum of 90 days at-sea experience working in those roles, respectively, with no more than 18 months elapsed since the conclusion of the at-sea experience. One visual PSO with such experience shall be designated as the lead for the entire protected species observation team. The lead PSO shall serve as primary point of contact for the vessel operator and ensure all PSO requirements per the IHA are met. To the maximum extent practicable, the experienced PSOs should be scheduled to be on duty with those PSOs with appropriate training but who have not yet gained relevant experience.

During survey operations (*e.g.*, any day on which use of the airgun array is planned to occur and whenever the airgun array is in the water, whether activated or not), a minimum of two visual PSOs must be on duty and conducting visual observations at all times during daylight hours (*i.e.*, from 30 minutes prior to sunrise through 30 minutes following sunset). Visual monitoring of the pre-start clearance zone must begin no less than 30 minutes prior to ramp-up and monitoring must continue until 1 hour after use of the airgun array ceases or until 30 minutes past sunset. Visual PSOs shall coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts and shall conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner.

PSOs shall establish and monitor the SZ and buffer zone. These zones shall be based upon the radial distance from the edges of the airgun array (rather than being based on the center of the array or around the vessel itself). During use of the airgun array (*i.e.*, anytime airguns are active, including ramp-up), detections of marine mammals within the buffer zone (but outside the SZ) shall be communicated to the operator to prepare for the potential shutdown of the airgun array. Visual PSOs will immediately communicate all observations to the on duty acoustic PSO(s), including any determination by the PSO regarding species identification, distance, and bearing and the degree of confidence in the determination. Any observations of marine mammals by crew members shall be relayed to the PSO team. During good conditions (*e.g.*, daylight hours; Beaufort sea state (BSS) 3 or less), visual PSOs shall conduct observations when the airgun array is not operating for comparison of sighting rates and behavior with and without use of the airgun array and between acquisition periods, to the maximum extent practicable.

Visual PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least 1 hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period. Combined observational duties (visual and acoustic but not at same time) may not exceed 12 hours per 24-hour period for any individual PSO.

Passive Acoustic Monitoring

Passive acoustic monitoring means the use of trained personnel (sometimes referred to as PAM operators, herein referred to as acoustic PSOs) to operate PAM equipment to acoustically detect the presence of marine mammals. Acoustic monitoring involves acoustically detecting marine mammals regardless of distance from the source, as localization of animals may not always be possible. Acoustic monitoring is intended to further support visual monitoring (during daylight hours) in maintaining a SZ around the sound source that is clear of marine mammals. In cases where visual monitoring is not effective (e.g., due to weather, nighttime), acoustic monitoring may be used to allow certain activities to occur, as further detailed below.

PAM would take place in addition to the visual monitoring program. Visual monitoring typically is not effective during periods of poor visibility or at night and even with good visibility, is unable to detect marine mammals when they are below the surface or beyond visual range. Acoustic monitoring can be used in addition to visual observations to improve detection, identification, and localization of cetaceans. The acoustic monitoring would serve to alert visual PSOs (if on duty) when vocalizing cetaceans are detected. It is only useful when marine mammals vocalize, but it can be effective either by day or by night and does not depend on good visibility. It would be monitored in real time so that the visual observers can be advised when cetaceans are detected.

The R/V Langseth will use a towed PAM system, which must be monitored by at a minimum one on duty acoustic PSO beginning at least 30 minutes prior to ramp-up and at all times during use of the airgun array. Acoustic PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least 1 hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period. Combined observational duties (acoustic and visual but not at same time) may not exceed 12 hours per 24-hour period for any individual PSO.

Survey activity may continue for 30 minutes when the PAM system malfunctions or is damaged, while the PAM operator diagnoses the issue. If the diagnosis indicates that the PAM system must be repaired to solve the problem, operations may continue for an additional 10 hours without acoustic monitoring during daylight hours only under the following conditions:

- Sea state is less than or equal to BSS 4;
- No marine mammals (excluding delphinids) detected solely by PAM in the SZ in the previous 2 hours;
- NMFS is notified via email as soon as practicable with the time and location in which operations began occurring without an active PAM system; and
- Operations with an active airgun array, but without an operating PAM system, do not exceed a cumulative total of 10 hours in any 24-hour period.

Establishment of Shutdown and Pre-Start Clearance Zones

A SZ is a defined area within which occurrence of a marine mammal triggers mitigation action intended to reduce the potential for certain outcomes (e.g., auditory injury, disruption of critical behaviors). The PSOs would establish a minimum SZ with a 500-m radius. The 500-m SZ would be based on radial distance from the edge of the airgun array (rather than being based on the center of the array or around the vessel itself). With certain exceptions (described below), if a marine mammal appears within or enters this zone, the airgun array would be shut down.

The pre-start clearance zone is defined as the area that must be clear of marine mammals prior to beginning ramp-up of the airgun array and includes the SZ plus the buffer zone. Detections of marine mammals within the pre-start clearance zone would prevent airgun operations from beginning (i.e., ramp-up).

The 500-m SZ is intended to be precautionary in the sense that it would be expected to contain sound exceeding the injury criteria for all cetacean hearing groups, (based on the dual criteria of SEL_{cum} and peak SPL), while also providing a consistent, reasonably observable zone within which PSOs would typically be able to conduct effective observational effort. Additionally, a 500-m SZ is expected to minimize the likelihood that marine mammals will be exposed to levels likely to result in more severe behavioral responses. Although significantly greater distances may be observed from an elevated platform under good conditions, we expect that 500 m is likely regularly attainable for PSOs using the naked eye during typical conditions. The pre-start clearance zone simply represents the addition of a buffer to the SZ, doubling the SZ size during pre-clearance.

An extended SZ of 1,500 m must be enforced for all beaked whales, a large whale with a calf, and groups of six or more large whales. No buffer of this

extended SZ is required, as NMFS concludes that this extended SZ is sufficiently protective to mitigate harassment to these groups.

Pre-Start Clearance and Ramp-Up

Ramp-up (sometimes referred to as “soft start”) means the gradual and systematic increase of emitted sound levels from an airgun array. Ramp-up begins by first activating a single airgun of the smallest volume, followed by doubling the number of active elements in stages until the full complement of an array’s airguns are active. Each stage should be approximately the same duration, and the total duration should not be less than approximately 20 minutes. The intent of pre-start clearance observation (30 minutes) is to ensure no marine mammals are observed within the pre-start clearance zone (or extended SZ, for beaked whales, a large whale with a calf, and groups of six or more large whales) prior to the beginning of ramp-up. During the pre-start clearance period is the only time observations of marine mammals in the buffer zone would prevent operations (i.e., the beginning of ramp-up). The intent of ramp-up is to warn marine mammals of pending seismic survey operations and to allow sufficient time for those animals to leave the immediate vicinity prior to the sound source reaching full intensity. A ramp-up procedure, involving a step-wise increase in the number of airguns firing and total array volume until all operational airguns are activated and the full volume is achieved, is required at all times as part of the activation of the airgun array. All operators must adhere to the following pre-start clearance and ramp-up requirements:

- The operator must notify a designated PSO of the planned start of ramp-up as agreed upon with the lead PSO; the notification time should not be less than 60 minutes prior to the planned ramp-up in order to allow the PSOs time to monitor the pre-start clearance zone (and extended SZ) for 30 minutes prior to the initiation of ramp-up (pre-start clearance);
- Ramp-ups shall be scheduled so as to minimize the time spent with the source activated prior to reaching the designated run-in;
- One of the PSOs conducting pre-start clearance observations must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed;
- Ramp-up may not be initiated if any marine mammal is within the applicable shutdown or buffer zone. If a marine mammal is observed within the pre-start

clearance zone (or extended SZ, for beaked whales, a large whale with a calf, and groups of six or more large whales) during the 30 minute pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (15 minutes for small odontocetes and pinnipeds, and 30 minutes for all mysticetes and all other odontocetes, including sperm whales, beaked whales, and large delphinids, such as pilot whales);

- Ramp-up shall begin by activating a single airgun of the smallest volume in the array and shall continue in stages by doubling the number of active elements at the commencement of each stage, with each stage of approximately the same duration. Duration shall not be less than 20 minutes. The operator must provide information to the PSO documenting that appropriate procedures were followed;

- PSOs must monitor the pre-start clearance zone and extended SZ during ramp-up, and ramp-up must cease and the source must be shut down upon detection of a marine mammal within the applicable zone. Once ramp-up has begun, detections of marine mammals within the buffer zone do not require shutdown, but such observation shall be communicated to the operator to prepare for the potential shutdown;

- Ramp-up may occur at times of poor visibility, including nighttime, if appropriate acoustic monitoring has occurred with no detections in the 30 minutes prior to beginning ramp-up. Airgun array activation may only occur at times of poor visibility where operational planning cannot reasonably avoid such circumstances;

- If the airgun array is shut down for brief periods (*i.e.*, less than 30 minutes) for reasons other than implementation of prescribed mitigation (*e.g.*, mechanical difficulty), it may be activated again without ramp-up if PSOs have maintained constant visual and/or acoustic observation and no visual or acoustic detections of marine mammals have occurred within the pre-start clearance zone (or extended SZ, where applicable). For any longer shutdown, pre-start clearance observation and ramp-up are required; and

- Testing of the airgun array involving all elements requires ramp-up. Testing limited to individual source elements or strings does not require ramp-up but does require pre-start clearance of 30 minutes.

Shutdown

The shutdown of an airgun array requires the immediate de-activation of

all individual airgun elements of the array. Any PSO on duty will have the authority to call for shutdown of the airgun array if a marine mammal is detected within the applicable SZ. The operator must also establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the airgun array to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch. When both visual and acoustic PSOs are on duty, all detections will be immediately communicated to the remainder of the on-duty PSO team for potential verification of visual observations by the acoustic PSO or of acoustic detections by visual PSOs. When the airgun array is active (*i.e.*, anytime one or more airguns is active, including during ramp-up) and (1) a marine mammal appears within or enters the applicable SZ and/or (2) a marine mammal (other than delphinids, see below) is detected acoustically and localized within the applicable SZ, the airgun array will be shut down. When shutdown is called for by a PSO, the airgun array will be immediately deactivated and any dispute resolved only following deactivation. Additionally, shutdown will occur whenever PAM alone (without visual sighting), confirms presence of marine mammal(s) in the SZ. If the acoustic PSO cannot confirm presence within the SZ, visual PSOs will be notified but shutdown is not required.

Following a shutdown, airgun activity would not resume until the marine mammal has cleared the SZ. The animal would be considered to have cleared the SZ if it is visually observed to have departed the SZ (*i.e.*, animal is not required to fully exit the buffer zone where applicable), or it has not been seen within the SZ for 15 minutes for small odontocetes or 30 minutes for all mysticetes and all other odontocetes, including sperm whales, beaked whales, and large delphinids, such as pilot whales.

The shutdown requirement is waived for pinnipeds and specific genera of small dolphins if an individual is detected within the SZ. The small dolphin group is intended to encompass those members of the Family Delphinidae most likely to voluntarily approach the source vessel for purposes of interacting with the vessel and/or airgun array (*e.g.*, bow riding). This exception to the shutdown requirement applies solely to pinnipeds and the specific genera of small dolphins (*Delphinus*, *Lagenodelphis*, *Stenella*, and *Tursiops*).

We include this pinniped and small dolphin exception because shutdown requirements for these species under all circumstances represent practicability concerns without likely commensurate benefits for the animals in question. Small dolphins are generally the most commonly observed marine mammals in the specific geographic region and would typically be the only marine mammals likely to intentionally approach the vessel. As described above, auditory injury is extremely unlikely to occur for mid-frequency cetaceans (*e.g.*, phocid seals and delphinids), as this group is relatively insensitive to sound produced at the predominant frequencies in an airgun pulse while also having a relatively high threshold for the onset of auditory injury (*i.e.*, permanent threshold shift).

A large body of anecdotal evidence indicates that small dolphins commonly approach vessels and/or towed arrays during active sound production for purposes of bow riding with no apparent effect observed (*e.g.*, Barkaszi *et al.*, 2012, Barkaszi and Kelly, 2018). The potential for increased shutdowns resulting from such a measure would require the Langseth to revisit the missed track line to reacquire data, resulting in an overall increase in the total sound energy input to the marine environment and an increase in the total duration over which the survey is active in a given area. Although other mid-frequency hearing specialists (*e.g.*, large delphinids) are no more likely to incur auditory injury than are small dolphins, they are much less likely to approach vessels. Therefore, retaining a shutdown requirement for large delphinids would not have similar impacts in terms of either practicability for the applicant or corollary increase in sound energy output and time on the water. We do anticipate some benefit for a shutdown requirement for large delphinids in that it simplifies somewhat the total range of decision-making for PSOs and may preclude any potential for physiological effects other than to the auditory system as well as some more severe behavioral reactions for any such animals in close proximity to the Langseth.

Visual PSOs shall use best professional judgment in making the decision to call for a shutdown if there is uncertainty regarding identification (*i.e.*, whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived or one of the species with a larger SZ).

L-DEO must implement shutdown if a marine mammal species for which take was not authorized or a species for which authorization was granted but the

authorized takes have been met approaches the Level A or Level B harassment zones. L-DEO must also implement shutdown if any large whale (defined as a sperm whale or any mysticete species) with a calf (defined as an animal less than two-thirds the body size of an adult observed to be in close association with an adult) and/or an aggregation of six or more large whales are observed at any distance.

Vessel Strike Avoidance Mitigation Measures

Vessel personnel should use an appropriate reference guide that includes identifying information on all marine mammals that may be encountered. Vessel operators must comply with the below measures except under extraordinary circumstances when the safety of the vessel or crew is in doubt or the safety of life at sea is in question. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammal. A single marine mammal at the surface may indicate the presence of submerged animals in the vicinity of the vessel; therefore, precautionary measures should always be exercised. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (separation distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.*, PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish marine mammals from other phenomena and (2) broadly to identify a marine mammal as a right whale, other whale (defined in this context as sperm whales or baleen whales other than right whales), or other marine mammals.

Vessel speeds must be reduced to 10 kn (18.5 kph) or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel. All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales. All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at

times this may not be possible (*e.g.*, for animals that approach the vessel).

When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.*, attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If marine mammals are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed 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.

Proposed 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.

Vessel-Based Visual Monitoring

As described above, PSO observations would take place during daytime airgun operations. During seismic survey operations, at least five visual PSOs would be based aboard the Langseth. Two visual PSOs would be on duty at all times during daytime hours. Monitoring shall be conducted in accordance with the following requirements:

- The operator shall provide PSOs with bigeye binoculars (*e.g.*, 25 x 150; 2.7 view angle; individual ocular focus; height control) of appropriate quality solely for PSO use. These shall be pedestal-mounted on the deck at the most appropriate vantage point that provides for optimal sea surface observation, PSO safety, and safe operation of the vessel; and
- The operator will work with the selected third-party observer provider to ensure PSOs have all equipment (including backup equipment) needed to adequately perform necessary tasks, including accurate determination of distance and bearing to observed marine mammals.

PSOs must have the following requirements and qualifications:

- PSOs shall be independent, dedicated, trained visual and acoustic PSOs and must be employed by a third-party observer provider;
- PSOs shall have no tasks other than to conduct observational effort (visual or acoustic), collect data, and communicate with and instruct relevant vessel crew with regard to the presence of protected species and mitigation requirements (including brief alerts regarding maritime hazards);
- PSOs shall have successfully completed an approved PSO training course appropriate for their designated task (visual or acoustic). Acoustic PSOs

are required to complete specialized training for operating PAM systems and are encouraged to have familiarity with the vessel with which they will be working;

- PSOs can act as acoustic or visual observers (but not at the same time) as long as they demonstrate that their training and experience are sufficient to perform the task at hand;

- NMFS must review and approve PSO resumes accompanied by a relevant training course information packet that includes the name and qualifications (*i.e.*, experience, training completed, or educational background) of the instructor(s), the course outline or syllabus, and course reference material as well as a document stating successful completion of the course;

- PSOs must successfully complete relevant training, including completion of all required coursework and passing (80 percent or greater) a written and/or oral examination developed for the training program;

- PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences, a minimum of 30 semester hours or equivalent in the biological sciences, and at least one undergraduate course in math or statistics; and

- The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver shall be submitted to NMFS and must include written justification. Requests shall be granted or denied (with justification) by NMFS within 1 week of receipt of submitted information.

Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored protected species surveys; or (3) previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties.

- For data collection purposes, PSOs shall use standardized electronic data collection forms. PSOs shall record detailed information about any implementation of mitigation requirements, including the distance of animals to the airgun array and description of specific actions that ensued, the behavior of the animal(s), any observed changes in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the airgun array. If required

mitigation was not implemented, PSOs should record a description of the circumstances. At a minimum, the following information must be recorded:

- Vessel name, vessel size and type, maximum speed capability of vessel;
- Dates (MM/DD/YYYY) of departures and returns to port with port name;

- PSO names and affiliations, PSO ID (initials or other identifier);

- Date (MM/DD/YYYY) and

- participants of PSO briefings;

- Visual monitoring equipment used (description);

- PSO location on vessel and height (meters) of observation location above water surface;

- Watch status (description);

- Dates (MM/DD/YYYY) and times (Greenwich Mean Time/UTC) of survey on/off effort and times (GMC/UTC) corresponding with PSO on/off effort;

- Vessel location (decimal degrees) when survey effort began and ended and vessel location at beginning and end of visual PSO duty shifts;

- Vessel location (decimal degrees) at 30-second intervals if obtainable from data collection software, otherwise at practical regular interval;

- Vessel heading (compass heading) and speed (knots) at beginning and end of visual PSO duty shifts and upon any change;

- Water depth (meters) (if obtainable from data collection software);

- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions changed significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon;

- Factors that may have contributed to impaired observations during each PSO shift change or as needed as environmental conditions changed (description) (*e.g.*, vessel traffic, equipment malfunctions); and

- Vessel/Survey activity information (and changes thereof) (description), such as airgun power output while in operation, number and volume of airguns operating in the array, tow depth of the array, and any other notes of significance (*i.e.*, pre-start clearance, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, *etc.*).

- Upon visual observation of any marine mammals, the following information must be recorded:

- Sighting ID (numeric);

- Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);

- Location of PSO/observer (description);

- Vessel activity at the time of the sighting (*e.g.*, deploying, recovering, testing, shooting, data acquisition, other);

- PSO who sighted the animal/ID;

- Time/date of sighting (GMT/UTC, MM/DD/YYYY);

- Initial detection method (description);

- Sighting cue (description);

- Vessel location at time of sighting (decimal degrees);

- Water depth (meters);

- Direction of vessel's travel (compass direction);

- Speed (knots) of the vessel from which the observation was made;

- Direction of animal's travel relative to the vessel (description, compass heading);

- Bearing to sighting (degrees);

- Identification of the animal (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified) and the composition of the group if there is a mix of species;

- Species reliability (an indicator of confidence in identification) (1 = unsure/possible, 2 = probable, 3 = definite/sure, 9 = unknown/not recorded);

- Estimated distance to the animal (meters) and method of estimating distance;

- Estimated number of animals (high/low/best) (numeric);

- Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, *etc.*);

- Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);

- Detailed behavior observations (*e.g.*, number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);

- Animal's closest point of approach (meters) and/or closest distance from any element of the airgun array;

- Description of any actions implemented in response to the sighting (*e.g.*, delays, shutdown, ramp-up) and time and location of the action.

- Photos (Yes/No);

- Photo Frame Numbers (List of numbers); and

- Conditions at time of sighting (Visibility; Beaufort Sea State).

If a marine mammal is detected while using the PAM system, the following information should be recorded:

- An acoustic encounter identification number, and whether the detection was linked with a visual sighting;

- Date and time when first and last heard;
- Types and nature of sounds heard (*e.g.*, clicks, whistles, creaks, burst pulses, continuous, sporadic, strength of signal); and
- Any additional information recorded such as water depth of the hydrophone array, bearing of the animal to the vessel (if determinable), species or taxonomic group (if determinable), spectrogram screenshot, and any other notable information.

Reporting

The Holder shall submit a draft comprehensive report on all activities and monitoring results within 90 days of the completion of the survey or expiration of the IHA, whichever comes sooner. The report must describe all activities conducted and sightings of marine mammals, must provide full documentation of methods, results, and interpretation pertaining to all monitoring, and must summarize the dates and locations of survey operations and all marine mammal sightings (dates, times, locations, activities, associated survey activities). The draft report shall also include geo-referenced time-stamped vessel tracklines for all time periods during which airgun arrays were operating. Tracklines should include points recording any change in airgun array status (*e.g.*, when the sources began operating, when they were turned off, or when they changed operational status such as from full array to single gun or vice versa). Geographic Information System files shall be provided in Environmental Systems Research Institute shapefile format and include the UTC date and time, latitude in decimal degrees, and longitude in decimal degrees. All coordinates shall be referenced to the WGS84 geographic coordinate system. In addition to the report, all raw observational data shall be made available. The report must summarize data collected as described above in Proposed Monitoring and Reporting. A final report must be submitted within 30 days following resolution of any comments on the draft report.

The report must include a validation document concerning the use of PAM, which should include necessary noise validation diagrams and demonstrate whether background noise levels on the PAM deployment limited achievement of the planned detection goals. Copies of any vessel self-noise assessment reports must be included with the report.

Reporting Injured or Dead Marine Mammals

Discovery of injured or dead marine mammals—In the event that personnel involved in the survey activities discover an injured or dead marine mammal, the L-DEO shall report the incident to the Office of Protected Resources (OPR) and NMFS 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 was discovered.

Vessel strike—In the event of a strike of a marine mammal by any vessel involved in the activities covered by the authorization, L-DEO shall report the incident to OPR and NMFS as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measure were taken, if any, to avoid strike;
- Environmental conditions (*e.g.*, wind speed and direction, BSS, cloud cover, visibility) immediately preceding the strike;
- Species identification (if known) or description of the animal(s) involved;
- Estimated size and length of the animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals present immediately preceding the strike;
- Estimated fate of the animal (*e.g.*, dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in table 1, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. Where there are meaningful differences between species or stocks they are included as separate subsections below. NMFS does not anticipate that serious injury or mortality would occur as a result of L-DEO's planned survey, even in the absence of mitigation, and no serious injury or mortality is proposed to be authorized. As discussed in the Potential Effects of Specified Activities on Marine Mammals and Their Habitat section above, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that the majority of potential takes would be in the form of short-term Level B behavioral harassment, resulting from temporary avoidance of the area or decreased foraging (if such activity was

occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.*, Southall *et al.*, 2007).

We are proposing to authorize a limited number of Level A harassment events of five species in the form of PTS (humpback whale, minke whale, fin whale, sei whale, and harbor porpoise) and Level B harassment only of the remaining marine mammal species. If any PTS is incurred in marine mammals as a result of the specified activity, we expect only a small degree of PTS that would not result in severe hearing impairment because of the constant movement of both the Langseth and of the marine mammals in the project areas, as well as the fact that the vessel is not expected to remain in any one area in which individual marine mammals would be expected to concentrate for an extended period of time. Additionally, L-DEO would shut down the airgun array if marine mammals approach within 500 m (with the exception of specific genera of dolphins, see Proposed Mitigation), further reducing the expected duration and intensity of sound and therefore, the likelihood of marine mammals incurring PTS. Since the duration of exposure to loud sounds will be relatively short, it would be unlikely to affect the fitness of any individuals. Also, as described above, we expect that marine mammals would likely move away from a sound source that represents an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice of the Langseth's approach due to the vessel's relatively low speed when conducting seismic surveys.

In addition, the maximum expected Level B harassment zone around the survey vessel is 6,733 m for water depths greater than 1,000 m (and up to 10,100 m in water depths of 100 to 1,000 m), with 78% of the survey occurring in depths greater than 1,000 m. Therefore, the ensonified area surrounding the vessel is relatively small compared to the overall distribution of animals in the area and their use of the habitat. Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the short duration (14 survey days) and temporary nature of the disturbance and the availability of

similar habitat and resources in the surrounding area, the impacts to marine mammals and marine mammal prey species are not expected to cause significant or long-term fitness consequences for individual marine mammals or their populations.

Additionally, the acoustic "footprint" of the proposed survey would be very small relative to the ranges of all marine mammals that would potentially be affected. Sound levels would increase in the marine environment in a relatively small area surrounding the vessel compared to the range of the marine mammals within the proposed survey area. The seismic array would be active 24 hours per day throughout the duration of the proposed survey. However, the very brief overall duration of the proposed survey (14 survey days) would further limit potential impacts that may occur as a result of the proposed activity.

Of the marine mammal species that are likely to occur in the project area, the following species are listed as endangered under the ESA: humpback whales (Cape Verde/Northwest Africa DPS), blue whales, fin whales, sei whales, and sperm whales. The take numbers proposed for authorization for these species (table 6) are minimal relative to their modeled population sizes; therefore, we do not expect population-level impacts to any of these species. Moreover, the actual range of the populations extends past the area covered by the model, so modeled population sizes are likely smaller than their actual population size. The other marine mammal species that may be taken by harassment during NSF's seismic survey are not listed as threatened or endangered under the ESA. There is no designated critical habitat for any ESA-listed marine mammals within the project area.

There are no rookeries, mating, or calving grounds known to be biologically important to marine mammals within the survey area, and there are no feeding areas known to be biologically important to marine mammals within the survey area.

Marine Mammal Species With Active UMEs

As discussed above, there are several active UMEs for marine mammal populations that occur in the survey area. Elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida since January 2016. Of the cases examined, approximately half had evidence of human interaction (ship strike or entanglement). The UME does not yet provide cause for concern

regarding population-level impacts. Only the West Indies DPS is potentially impacted by this UME, and their current population remains stable at approximately 12,000 individuals.

The proposed mitigation measures are expected to reduce, to the extent practicable, the intensity and/or duration of takes for all species listed in table 1. In particular, they would provide animals the opportunity to move away from the sound source throughout the survey area before seismic survey equipment reaches full energy, thus, preventing them from being exposed to sound levels that have the potential to cause injury (Level A harassment) or more severe Level B harassment.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of the species or populations through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or proposed to be authorized;
- We are proposing to authorize a limited number of Level A harassment events of five species in the form of PTS; if any PTS is incurred as a result of the specified activity, we expect only a small degree of PTS that would not result in severe hearing impairment because of the constant movement of both the vessel and of the marine mammals in the project areas, as well as the fact that the vessel is not expected to remain in any one area in which individual marine mammals would be expected to concentrate for an extended period of time.
- The proposed activity is temporary and of relatively short duration (38 days total with 14 days of planned survey activity);
- The vast majority of anticipated impacts of the proposed activity on marine mammals would be temporary behavioral changes due to avoidance of the ensonified area, which is relatively small (*see* table 4);
- The availability of alternative areas of similar habitat value for marine mammals to temporarily vacate the survey area during the proposed survey to avoid exposure to sounds from the activity is readily abundant;
- The potential adverse effects on fish or invertebrate species that serve as prey species for marine mammals from the proposed survey would be temporary and spatially limited and impacts to marine mammal foraging would be minimal;

- The proposed mitigation measures are expected to reduce the number and severity of takes, to the extent practicable, by visually and/or acoustically detecting marine mammals within the established zones and implementing corresponding mitigation measures (e.g., delay; shutdown).

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 proposed monitoring and mitigation measures, NMFS preliminarily finds that the marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or populations.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or population in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or population abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The number of takes NMFS proposes to authorize is below one-third of the modeled abundance for all relevant populations (specifically, take of individuals is less than four percent of the modeled abundance of each affected population, see table 6). This is conservative because the modeled abundance represents a population of the species and we assume all takes are of different individual animals, which is likely not the case. Some individuals may be encountered multiple times in a day, but PSOs would count them as separate individuals if they cannot be identified.

Based on the analysis contained herein of the proposed activity, including the proposed mitigation and monitoring measures, and the proposed authorized take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals would be

taken relative to the size of the affected species or populations.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 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.

NMFS is proposing to authorize take of humpback whales (Cape Verde/Northwest Africa DPS), blue whales, fin whales, sei whales, and sperm whales, which are listed under the ESA. The NMFS Office of Protected Resources (OPR) Permits and Conservation Division has requested initiation of section 7 consultation with the OPR ESA Interagency Cooperation Division for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to L-DEO for conducting a marine geophysical survey at the Reykjanes Ridge in the North Atlantic Ocean during summer 2024, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed marine geophysical survey. We also request comment on the potential renewal of

this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1 year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).

- The request for renewal must include the following:

- (1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

- (2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: May 7, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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